

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: September 3, 1959

FROM : C. D. DELOACH

SUBJECT: CRIMINAL LAW SECTION ACTIVITIES  
ANNUAL MEETING

AMERICAN BAR ASSOCIATION (ABA)

MIAMI BEACH, FLORIDA

AUGUST 24-28, 1959

GENERAL

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

SYNOPSIS:BACKGROUND:

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A separate memorandum is being submitted concerning all activities of interest to the Bureau at captioned ABA meeting with the exception of those of the Criminal Law Section. Following is a summary of pertinent activities of this Section which were covered by Inspector H. Lynn Edwards and SA H. E. Hoxie. Detailed reports were prepared re each session for future reference.

SUMMARY OF ACTIVITIES OF CRIMINAL LAW SECTION:

*F/0, 14*

First Session of Criminal Law Section considered pros and cons of capital punishment. Panel members included Governor Michael V. Di Salle of Ohio, State Attorney Richard F. Gerstein of Dade County, Florida, and Professor [redacted] of the University of Pennsylvania. Di Salle and [redacted] vigorously favored abolition of capital punishment; Gerstein presented composite views of prosecutors who favor retaining death penalty as deterrent to crime. Di Salle strayed considerably from issue and incorporated emotional appeal into argument. [redacted] cited that nine states, including Alaska and Hawaii, have abolished death penalty. [redacted] doubts the deterrent effect and noted that the number of crimes punishable by death has been reduced considerably. Executions have become rare (48 in the past year.) Mechanics of execution have been shielded from the public, reducing any deterrent effect present. Both Di Salle and [redacted] contended "police lobby" is most vocal defender of death penalty and their actions are based on emotion rather than reason. One member in attendance asked the very pertinent question as to who is better qualified to discuss the deterrent effects of capital punishment than the [redacted]

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DeLoach to Tolson Memo (cont.)

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police. Governor Di Salle indicated that parole and probation people including wardens were very well qualified and that this group favored abolishing death penalty. [redacted] proposed that the International Association of Chiefs of Police, in view of the legitimate police interest in this problem, might do well to conduct a thorough survey to determine facts to support their position. At a subsequent session it was announced that a committee under the chairmanship of District Attorney J. Francis Coakley of Oakland, California, had been appointed by the chairman of the Section to study capital punishment. Coakley is a staunch defender of death penalty.

F104-100  
11/11/11 D.C.  
~~Second Session of Criminal Law Section dealt with the topic "Labor Racketeering--Diagnosis and Treatment."~~ Panelists were Erwin D. Canham, President of the Chamber of Commerce of the U. S. and editor of "The Christian Science Monitor," Morris P. Glushien, Counsel for the International Ladies Garment Workers Union and [redacted] Professor of Law at Columbia University.

Canham cited need to eliminate labor racketeering and for remedial legislation. Glushien insisted vast majority of labor leaders are honest and that legislation should be designed to eliminate the "crooks" and not the unions as such. [redacted] stated labor has for years called for the right to "clean its own house." Failures to do this have led to the call for Federal legislation. [redacted] claimed current proposed legislation fails to make proper distinctions but while it may be ill-conceived he doubts it will really disrupt unions as claimed by Glushien. [redacted] questions the tendency to always go to the Federal government for assistance. This tends to ignore the desirable difference of power between the Federal and local governments.

F104-111  
11/11/11 D.C.  
~~Third Session dealt with "Modern Attitudes Toward Crime - An Appraisal of Present Trends."~~ Panelists included Assistant Attorney General George C. Doub, Major General George W. Hickman, Jr., Judge Advocate of the Army, and Judge Thomas D. McBride of the Supreme Court of Pennsylvania. Doub reviewed sentencing procedures and the U. S. Commissioner system. Hickman traced the Constitutional and historical background of criminal law in the United States as it concerned concurrent jurisdiction. He cited policy of Attorney General Rogers to personally pass on any prosecutions in Federal court for the same offenses tried in state courts. Judge McBride gave a detailed, technical discussion of the problems involved in determining whether the jurisdiction of the Federal government is exclusive or concurrent.

DeLoach to Tolson Memo (cont.)

The tenor of the discussion seemed to support a feeling that U. S. Supreme Court might eventually whittle away the decisions upholding right of State and Federal governments to convict a subject for the same offense. One attorney expressed apprehension that Congress might enact additional laws creating concurrent jurisdiction for more offenses under the commerce clause (e.g. fugitive felon cases), but panel felt it was still controllable under policy governing prosecutions, such as that attributed to Attorney General Rogers.

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*Am. Bar Ass'n*  
The final session (business session) of Criminal Law Section dealt with numerous miscellaneous items (set forth in details). At next Regional Meeting of ABA (Memphis, November 12-14, 1959) Criminal Law Section will sponsor demonstration of wire tap and recording equipment. The Section plans to maintain liaison with other organizations having mutual interests such as the National District Attorneys Association and the National Association of Defense Attorneys in Criminal Cases. A brief resume of the activities of the Survey of the Administration of Criminal Justice in the United States was given and a July, 1959, status report was distributed. The Bureau has previously obtained on a strictly confidential basis a seven-volume report of the American Bar Foundation which sponsored this survey with financial assistance of the Ford Foundation. The Bureau's policy of not participating in the survey and referring all inquiries to the Seat of Government was re-affirmed upon analysis of the above report. At ABA meeting Edwards and Hoxie met Frank Remington who is in charge of this survey. Edwards is acquainted with [redacted] and [redacted] of the Foundation and SA Hoxie is well acquainted with [redacted] Stason of the University of Michigan Law School who will assume position of Administrator of the American Bar Foundation upon his retirement in September, 1960. These contacts should assure coverage of future activities of the American Bar Foundation. An analysis of past surveys is to be conducted with funds from the Ford Foundation and further funds will likely be requested upon completion of the analysis.

*Am. Bar Ass'n*  
The Section News Letter is hoped to be a vehicle for creating greater interest and obtaining new members. Following officers and council members for Criminal Law Section were elected: Rufus King, Chairman; James V. Bennett, Vice Chairman; General Charles L. Decker, Secretary; Judge Evelle J. Younger, former Special Agent, Assistant Secretary; Section Delegate, Arthur J. Freund and Council Members, Louis B. Nichols, [redacted]

[redacted] and Inspector H. Lynn Edwards. (File checks

DeLoach to Tolson Memo (cont.)

on those not previously known being separately made.)

RECOMMENDATION:

For the information of the Director. A specific recommendation was included in the over-all memorandum re the ABA meeting concerning Bureau coverage at the next Regional Meeting scheduled for Memphis, November 12 to 14, 1959.

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DETAILS

CRIMINAL LAW SECTION

Panel on "Pros and Cons of Capital Punishment"

August 24, 2:00 - 4:30 p.m.

This panel was attended by H. L. Edwards, H. E. Hoxie and SAC Teague. Former Assistant to the Director L. B. Nichols was also present. Chairman was Arthur Freund (in lieu of Vice Chairman of the Section, James V. Bennett, absent). Speakers on the panel were Governor Michael V. Di Salle of Ohio, who favored the abolition of capital punishment; Richard E. Gerstein, State Attorney of Dade County, Florida, who expressed the composite views of prosecutors (not necessarily his own personal opinion) as being opposed to the abolition; and Professor [redacted] of the University of Pennsylvania, who took a very strong position in favor of abolition.

Nothing unusual occurred at this session and there was no direct or indirect reference to the FBI. The session was attended by approximately 150 members of the ABA and a great deal of interest was evidenced in the general subject, as indicated by the numerous questions from the floor at the close of the three presentations. In fact, the session had to be adjourned although numerous questions had not yet been answered.

Governor Di Salle advanced the usual arguments for which he is well known. The Governor strayed a good deal from the precise issue, incorporated a good deal of emotional appeal into his presentation, and he cited one example which typifies pretty much his position, namely, that the only individuals who really commit the serious offenses for which there remains the penalty of capital punishment are, in his opinion, mentally deranged; hence, are not punished by capital punishment but are institutionalized.

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Attorney Gerstein made a very effective and logical presentation supporting the retention of capital punishment. He cited a number of excellent examples in support of the points and he quoted some responsible authorities, one of which was the District Attorney of New York, Frank Hogan. Gerstein prefaced his presentation by indicating that his own personal opinion was not as completely in favor of the retention of capital punishment as the composite views of prosecutors which he summarized. He did not, however, precisely state his position and, so far as could be ascertained, it had no diluting effect on the strength of his remarks.

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Professor [redacted] made a presentation which purported to indicate the extensive amount of research and study which he has given to this question. He cited the fact that most countries in Western Europe (France, Spain and British Isles, excepted) have abolished capital punishment. Most countries in the Western Hemisphere, according to him, have done likewise and, even in those countries where capital punishment is retained, executions are extremely rare. In the United States, he cited the fact that nine states (the latest two being Hawaii and Alaska by reason of acquiring statehood) have abolished it and he made a point of the fact that all states, except Delaware, which have abolished it border on Canada.

In disposing of the argument that capital punishment is a deterrent, Professor [redacted] indicated that the number of crimes punishable have been watered down so much that today there are very few remaining. The mechanics of executions have become progressively more and more shielded from the public, so that the public has little knowledge today of capital punishments, which tends to reduce the deterrent effect. More and more juries are given discretion in verdicts and, as indicated above, executions have become extremely rare (a total of 48 in the country in the past year).

Although he ended up stating there is no proof pro or con that capital punishment actually acts as a deterrent, he cited some facts which, in his opinion, seem to indicate that the burden of proof that capital punishment is a deterrent should be shifted to the group who wish to retain capital punishment. Included among these arguments were:

- 1) A comparison of contiguous states (Maine and New Hampshire, for example), in one of which it has been abolished and in the other retained, shows very little difference. The Professor felt this was a valid comparison because contiguous states would have the same general social conditions;
- 2) An examination of the incidence of murder in a community (e. g., Philadelphia) where a murderer has been convicted by capital punishment indicates that the punishment has had no deterrent effect on future murders.

The Professor made much of the point that the most powerful lobby in the country today against the abolishment of capital punishment is the police lobby. He said that it was actually this influence which prevented the Massachusetts Legislature from passing an act to abolish capital punishment. He stated a questionnaire had been sent out to police chiefs in 1950, and returns from 17 states, with a 47% response, as to the number of police killed by criminals with a lethal weapon indicated that they found no difference in states having capital punishment and those not having it. Thus, he stated, the argument of the police falls by the wayside as an effective one.

He expressed the hope that the International Association of Chiefs of Police would gather data to permit some definite study that would lead to some valid conclusions; however, he conceded there has been nothing developed to date indicating any clear-cut relation between capital punishment and its effect as a deterrent.

The Professor also mentioned such points as the one that capital punishment sometimes results in punishing the innocent. He mentioned a very remote one to the effect that in at least one case it had been a stimulant to murder because the murderer was desirous of committing suicide but was prevented by religious or other scruples. Hence, he committed murder in order to accept capital punishment.

In the final analysis, Professor [redacted] stated the death penalty merely satisfies certain emotional sentiments. In the last analysis, it becomes an emotional problem as evidenced by the fact when legislators debate it they forget all about logic and, according to him, make their decision on the basis of emotion. He took the typical prisoner rehabilitation point of view by stating that he feels we should use more of the knowledge we have developed in treating and rehabilitating prisoners rather than to persist in this so-called "ritual of sacrifice" which he feels capital punishment is. He stated that if it cannot be proved capital punishment reduces and contains criminality, then we should re-examine the matter and do away with capital punishment.

In the question period which followed, several questions were directed to the panel for amplification of the statement that the only effective lobby against abolition was the police lobby. Governor Di Salle, in answering one of the questions, indicated he concurred with Professor [redacted] regarding the "police lobby." One of the questioners asked whether there was any better qualified group to speak in favor of retaining capital punishment, and to this Governor Di Salle indicated that the parole and probation people were very well qualified, in fact, experts on the problem and that they were in favor as a group of the abolition of capital punishment. He included wardens in this group and, in comparing this group with the so-called police lobby, the Governor indicated that, in his opinion, the police lobby was motivated by emotion rather than reason. He cited for example the fact that a number of

motorcycle patrolmen had been killed or seriously injured in Toledo, Ohio, riding motorcycles. He said they abolished them without making any analysis as to the relationship between motorcycles and the deaths and accidents, and he felt that this was pretty much the case with the police lobby and capital punishment. In other words, the fact that fellow officers have been killed by criminals is not a logical reason, of itself, for retaining capital punishment.

CRIMINAL LAW SECTION

Session No. 2  
Tuesday, August 25, 1959  
10:00 a.m. to 12:00 Noon

This was a panel session entitled, "Labor Racketeering - Diagnosis and Treatment," presided over by Brigadier General Charles L. Decker, Assistant Judge Advocate General of the Army and Assistant Secretary of the Criminal Law Section.

Originally scheduled for the panel were Senator Sam J. Ervin, Jr., member of the Select Committee on Improper Activities in the Labor or Management Field; Arthur J. Goldberg, Special Counsel to the AFL-CIO and General Counsel of the Steelworkers Union; and Honorable Erwin D. Canham, President of the Chamber of Commerce of the United States and Editor of the Christian Scientist Monitor, Boston, Massachusetts. Only Canham appeared of the original three, Ervin having to be in Congress because of the labor legislation and Goldberg had to be in active negotiations because of the steel strike. Substituting for these two absentees were [redacted] Counsel for the International Ladies Garment Workers Union (ILGWU) and [redacted] Professor of Law at Columbia University School of Law.

Honorable Erwin D. Canham

Mr. Canham started out by making a general introductory statement that he found the "labor racketeers" in the title somewhat objectionable. He stated he would discuss the matter on the premise that this was just one phase of a total problem and that he was not prepared to agree there was any abnormal concentration of racketeers in the field of labor. He defined racketeers as involving: (1) a man who misuses union funds; (2) a man who abuses his position in labor through the use of violence; (3) a man who corrupts public

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officials through his union capacity or to advance the cause of the union; and (4) a man who abuses the power he has by virtue of his union position. He then stated he would discuss these and would then go into the phase of treatment of the ills along the lines of the types of abuses he defined.

Canham stated that the McClellan Hearings produced evidence that there is something badly wrong with the legal machinery controlling labor. These hearings produced many examples of violence on the part of the union to achieve its ends. He feels the facts developed by the hearings have left the public in wonderment as to how such things can go on unpunished. Canham felt the fault does actually lie in the law, stating that in his opinion the law grants privileges to labor which it does not give to others. He then cited some examples, including the fact that labor enjoys a virtual immunity from injunction, that the Norris-Laguardia Act of 1932 has been interpreted to where it is ineffective as a cure, the Taft-Hartley Act created an exception permitting injunctions, but only if unfair labor practices are found.

Canham then cited an example or two as to how the labor racketeers are able to use their special privileges. One example was where a manufacturer of church furniture was forced to hold a union election and, despite the fact that the union lost, the union imposed a secondary boycott by compelling strikes among the laboring force at the churches where the pews manufactured by this employer were to be installed. Another example cited by Canham was the "forced check-off" system. A third example was where state and federal laws do not impose what Canham termed a "fiduciary duty" on union officials. He felt that anything short of outright stealing seems okay.

In discussing methods of treatment for these diagnosed ills, Canham advocated, first, the complete enforcement of existing laws, stating that new laws will not help if the old ones are not enforced. He emphasized that most of the

responsibility rests with the local and state officials who tend, for one reason or another, to look the other way. He cited several general examples where abuses have occurred and it is clearly established that the guilty ones could have been punished under state or local legislation but were not.

Canham indicated that there are some loopholes in existing federal legislation which ought to be corrected. As examples: (1) The Hobbs Act has a loophole which permits the union to stop truckers and beat them up in an effort to get them to join; (2) The Burns Act, which should be amended to prohibit the interstate transportation of professional strikers; (3) The Taft-Hartley Act should be expanded to cover sub rosa payments to employees; (4) The Federal Corrupt Practices Act is making a mockery of liberties when union members are forced to contribute funds to support political campaigns.

Canham then advocated the outlawing of the secondary boycott. He felt that legislation should protect the right to the individual's voluntary choice of whether to join a union or not; also, that legislation should be enacted holding union officials accountable to their members for funds. This, he felt, would remove the incentive for corrupt individuals to seek office in unions. Finally, he stated the law should protect the individual's right to seek office, to speak freely, etc., in union affairs. He said he realizes the regulations which would have to be enacted to effectuate this might be cumbersome, but it would be worth it.

Canham concluded that local enforcement and handling of problems are needed.

Mr. [redacted]

The second panelist, [redacted] has a pertinent background which the moderator reviewed (graduate of Cornell Law School; former member of the Cornell Law faculty; employed prior to and after World War II as Associate General Counsel with the National Labor Relations Board;

cryptanalyst assigned to India during World War II. He left NLRB allegedly because of his disagreement with the Taft-Hartley Act and is now General Counsel for the ILGWU.)

[redacted] read a prepared paper written by Goldberg. This criticized pending legislation in Congress, stating that it would hurt more than it would help and would not get rid of the "crooks;" contended that Congress was trying to legislate against images by use of slogans; that racketeers constitute the minority in labor unions and that the reason for the existence of racketeers must be found elsewhere than in the lack of legislation. In supporting this point, Goldberg's paper drew an analogy by quoting certain statistics from the 1957 FBI Uniform Crime Reports indicating, for example, that there were approximately 290,000 auto thefts that year which, at the rate of an arbitrary \$1,000 value per car, would mean that auto thieves stole property valued at almost \$300,000,000. This, Goldberg's paper cited, in contrast to figures from the McClellan Committee that in 15 years labor racketeers had usurped \$10,000,000.

The paper then went on to show how labor had done much to clean its own house, citing that the AFL had taken action to expel the Longshoremen's Union; the CIO to expell Communists; that in December, 1955, after the combining of the AFL-CIO, joint steps were taken to impose strong controls against subversives, including the adoption of six specific codes of ethical practices; however, the paper stated that the union has been limited in cleaning its own house because, for example, they do not have the power of subpoena nor do they have the latitude that they should in imposing disciplinary measures. Labor has cooperated with the McClellan Committee through the AFL-CIO, although they retained the right to protest violations of due process. In concluding, Goldberg took the position that the attitude of labor leaders is not that no legislation is necessary but that any legislation should be designed to go after the "crooks" and not the unions as such.

After the reading of Goldberg's paper, Mr. [redacted] stated that he wanted to speak extemporaneously in answer to

some of the remarks of Mr. Canham. He stated that the gist of Canham's statement was that unions had become too big and he felt Canham's proposed solution was to do away with the unions, with which [redacted] disagreed.

As illustrations, he said that the solution to the "right to work" issue is not to abolish the union shop nor should the right to picketing be abolished in an effort to limit some of its abuses. These rights, according to [redacted] are intrinsic in retaining the essential balance between management and labor and to do away with them, as he felt Canham advocated, would be like "throwing the baby out with the dirty bath water."

[redacted] stated that in the case of the union shop, compulsory sanctions forcing the recalcitrants to join is needed to defend against employers' attacks. The McClellan Committee made the public aware that there are wrongs, but [redacted] speculated that if Congress were to similarly inquire into a matter such as abuses in business expense accounts, they would find many startling things, but the solution would not be to abolish corporations.

[redacted] likened the present situation to the period in 1946-47 when a wave of strikes was played up by the papers and, in his opinion, the public was misled to the point where they thought, from what they read in the papers, that the whole country was on strike, whereas equitable reporting should have shown that while 300,000 people were on strike in the country, there were still so many million actively working and not on strike. He felt this had much to do with enabling the passage of the Taft-Hartley Bill which, in his opinion, threw the balance offside and over to management. Today he feels the same thing is happening with the McClellan Committee. The public is getting a distorted picture and losing its perspective.

Professor [redacted]

The third panelist, Professor [redacted] merely commented on the remarks of the two principal speakers and made a few observations. For example, he said the attitude of labor for years has been, "Let labor clean its own house." Now that Congress has opened the door, Congress has proposed legislation which perhaps does go beyond the needs of "house cleaning," but [redacted] implied that labor has brought this on itself because they could have prevented much of it had they taken more steps to clean their own house.

[redacted] then made the point that he feels the present legislation fails to make what he termed "distinctions." There is a question of degree between compelling unwilling members to join a union and compelling them to make political contributions. For example, he said he knows of instances where some employers just do not want any union in and yet some of the employees would like to join a union. Also, he said that corporations have been contributing to the election of political officers for years and there is no reason why unions should not legitimately take an interest in having candidates of their choice elected. The important point is that freedom of choice must be watched, according to [redacted]

[redacted] also seemed to agree that where it is a question of infiltration of improper elements into a union, a distinction must be made lest the controls go beyond the correction of that evil. As an example, he said there have been frauds caused by racketeers and improper elements in the stock brokerage business, but the solution is not to eliminate that. He personally doubts whether legislation can effectively eliminate dishonest people in unions any more than it could in business. He felt the evil will have to be controlled by criminal law and, further, that you cannot expect a higher degree of adherence to honesty on the part of labor than you can expect on the part of business.

[redacted] felt that "democracy" as proposed by Mr. Canham is not the answer. He cited as an example the fact that he knows of instances where union officials have been convicted of crime but after being released from prison have been promptly elected by the democratic process to their former positions in the union, and he stressed the fact that in these elections there were adequate controls to insure completely democratic character of the election.

[redacted] felt that the basic issue is "local versus national government." He said there seems to be too much of a tendency when things go wrong for local people to "run down to Washington." He feels this tends to ignore the desirable difference of power between local and federal government. In his opinion, the issue is "Do we need national laws?" There are plenty of local laws but admittedly they are not completely enforced, either because of fear or politics or other reasons. For this reason, there is a strong tendency to want federal legislation because of the feeling that federal enforcement officials are not likely to be intimidated, but [redacted] stated this is the basic question as to whether we want the federal government to get into this field any more than is necessary.

He cited as a ridiculous example of trying to legislate basic individual rights the War Labor Act, where it resulted in a public poll as to whether the public wanted to help Hitler by going on strike and [redacted] stated that, strangely enough, 98% of them favored going on strike because it was a basic right protecting the individuals involved.

[redacted] concluded by indicating that perhaps [redacted] is overrating the seriousness of the unfavorable results for the union in the present legislation. He feels the present legislation may be ill conceived but he questions whether it will really disrupt unions. He compared this to the cries of "slave labor" which arose at the time of the passage of the Taft-Hartley Act.

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In the active question and answer session which followed, the only additional comments of note were made by [redacted] in answer to a question as to what labor finds wrong in the Landrum-Griffin Act which is currently pending in Congress. [redacted] stated it would take too long to analyze the entire act but, very briefly, he referred to Title VII, which he said is the heart of the matter and, in his opinion, the way this is written it will thrust the balance from labor clear over to the other side. It will cripple efforts to organize the unorganized.

Canham then made a brief statement to clarify his earlier position to the effect that he was objecting to the abuses of picketing and not advocating the abolishment of picketing itself and he was referring to the compulsion of unwilling employees to join unions through the use of violence rather than through legitimate means. While Canham recognized that assuring democracy in the operation of unions is not the entire answer, he feels that it is most essential that this be included in any over-all program to correct existing abuses.

## CRIMINAL LAW SECTION

Session No. 3

Tuesday, August 25, 2:00 p.m.

The third session was a panel on the subject of "Modern Attitudes Toward Crime - An Appraisal of Present Trends," presided over by John R. Snively, Council Member. Panelists were Assistant Attorney General George C. Doub of the Civil Division, Major General George W. Hickman, Jr., Judge Advocate of the Army, and Judge Thomas D. McBride of the Supreme Court of Pennsylvania.

### Honorable George C. Doub

Mr. Doub did not make any reference to the Bureau. Gist of his remarks was that for the past five years there has been a re-examination and re-evaluation of criminal procedures, policies and practices and that the result has been a "new look." He cited the modern penal code as an example. He then referred to the tendency in court decisions to take a similar new look at past opinions, one example being the admissibility of confessions. Doub then devoted the remainder of his remarks to the present methods of sentencing. He compared the vagaries of sentencing by the courts in this country with what he indicated were better systems elsewhere. He said the United States was the only country where the court did not have to give justification for its sentencing and that there is no appellate review in the United States over the lower court sentencing in most cases. He mentioned the sentencing seminars authorized by Congress on the motion of the Attorney General.

Doub stated one way the states have endeavored to react to the present undesirable method of sentencing is to enact mandatory sentences taking away the latitude of the

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Judge. He stated the American Law Institute, the Criminal Section of the ABA, and the military tribunals are all on record as favoring appellate review of the sentencing. Doub recommended that courts be required to give a statement of justification for any sentence given.

Doub also discussed the judicial conference study of the U. S. Commissioner system. He referred to a law review article in the University of Pennsylvania Law School Law Review, March, 1959, in which he was a joint author, indicating this is the only article known to him which reviews the subject. This recommends the abolishment of the archaic fee system and recommends giving the U. S. Commissioners original jurisdiction in many of the petty types of offenses in order that the courts may be relieved of some of their work.

Doub concluded that re-examination and re-evaluation is a wholesome development and will tend to place crime and punishment in proper relation to each other and keep them that way.

Major General George W. Hickman, Jr.

General Hickman traced the Constitutional and historical background of the criminal law in the United States, especially as it concerned concurrent jurisdiction. He cited those instances where Congress passed statutes specifically designed to aid and assist local authorities, such as in auto theft and stolen property cases. General Hickman discussed at length the Lanza case wherein the U. S. Supreme Court held that there could be a duality of offense against both the state and the nation and that prosecution by both governing bodies would not constitute double jeopardy and therefore be prohibited under the U. S. Constitution. He cited the recent cases wherein the Lanza case principle was again up for review. These were the cases of Bartkus versus Illinois and Abbate versus United States, which, although not unanimous, did uphold the right of both the state to prosecute following

federal prosecution and the United States to prosecute following state prosecution. General Hickman noted that, following these decisions, Attorney General Rogers issued a policy statement to United States Attorneys wherein he ordered a clearance by him before trial was to be commenced in federal court for any offense previously tried in a state court. General Hickman added that the NATO "Status of Forces" agreements bar double jeopardy from both the military and the foreign countries involved. Procedures have been established for giving either the United States military authorities or the country priority of prosecution in specific cases, and if this priority is exercised prosecution by the other body then is precluded.

Justice Thomas D. McBride

McBride was past Attorney General of the State of Pennsylvania.

McBride discussed the question of problems involved in determining whether jurisdiction of the federal government is exclusive or concurrent; referred to some decisions of the U. S. Supreme Court on this subject; discussed the right of the accused to counsel; and a related matter involving the admissibility of confessions.

McBride stated that it is not true in all cases that concurrent jurisdiction exists on the part of state and federal courts. An exception is where Congress may legislate in such a way to indicate that the federal government has exclusive jurisdiction. The trouble arises, according to McBride, in those instances where the court has to say what is the legislative intent.

McBride mentioned that in civil law in the field of labor relations, for example, there are instances of a "no man's land."

In the criminal field, he cited the Steve Nelson case where the U.S. Supreme Court held that Congress intended by enactment of the Smith Act to pre-empt the field; however, in the subsequent case of Uphaus versus Wyman, the Supreme Court limited the effect of the Nelson decision by indicating that the pre-emption occurs only where the evidence shows that the conspiracy was one to overthrow the federal government and that it was not intended to say that the states cannot enforce their own sedition laws where the accused is being prosecuted for such a violation against the state. In other words, the rule is that the states are not to enforce decisions against the federal government. McBride observed that the Nelson case was decided before the Abbate and Bartkus decisions.

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McBride is against the current legislation pending in Congress to clear up the Smith Act loophole created by the Nelson decision. He feels it would be much more appropriate for Congress to be explicit in each act where the possibility of pre-emption exists. This would obviate future questions for the courts to decide.

McBride then discussed the situation of cases where there was a failure to appoint counsel for the defendant. He stated that in the case of indigent defendants, a failure to appoint counsel in cases short of capital punishment is not fatal unless definite harm can be shown by the defendant as a result of not having had counsel appointed. He cited the case of Townsend versus Burke. In capital punishment cases, however, McBride stated failure to appoint counsel is a fatal error, both in state and federal cases (see Powell versus Alabama). McBride stated that the Sixth Amendment to the Constitution is the authority requiring the appointment of counsel. He noted that this is significant because, in his opinion, it offers support for the fact that the due process provision of the Fifth Amendment means something different from the due process clause of the Fourteenth Amendment. He cited the case of Spansal (phonetic) versus New York, wherein there was a denial of counsel after indictment and this distinguishing fact was considered by the court to have operated sufficiently on the mind of the defendant to constitute fatal error.

McBride then discussed the question of the admissibility of evidence illegally obtained. He cited the case of Weeks versus the United States. Where the evidence is obtained as a result of the violation of Constitutional rights and a federal officer participates therein, the evidence will not be admissible in a federal trial. No confession will be received based thereon and the question is one for the court in both federal and state cases to determine whether the confession was coerced by either physical or psychological means. McBride stated that previously it was solely a question of the truth of the confession.

In Barrus (phonetic) versus State, the question was one of the officer's conduct in getting the confession where it offended the defendant's fundamental rights.

McBride stated that up to the time of the famous McNabb decision, the U. S. Supreme Court considered the admissibility of a confession on the basis of whether or not it was voluntary. In the McNabb case, the confession was obtained by continual questioning prior to arraignment and the issue on which the court decided it was that it made no difference whether the confession was voluntary or not.

In the next case, Mitchell versus the United States, the defendant was arrested, confessed a few minutes thereafter, but was not arraigned for a few days. The confession was considered by the court to have been given at a time when it was reasonable to expect that there was no coercion.

Next came Federal Rules of Criminal Procedure, specifically Rule 5-A. In Upshaw versus the United States, there was a violation of the Federal Rules and the confession was obtained during that violation.

In Mallory versus the United States, the court pointed out that the Federal Rules must be adhered to. The court pointed out the distinctions existing in the earlier cases.

In Ray (phonetic) versus the United States, the situation involved a federal Narcotics Agent. There was an illegal search. Here there was no federal prosecution. The state rule in this jurisdiction was that evidence illegally obtained was admissible. The U. S. Supreme Court said it was all right for the state but they would not let the federal officer violate federal rules and then testify in any court whether state or federal.

McBride then terminated his remarks by stating that he wished to acknowledge the great work done by the U. S. Supreme Court over the past forty years. He stated he feels this is a tribute to the court in the face of mass media screaming about the rising tide of crime. He said the crime situation is serious but society, in his opinion, should not lower itself to the level of the criminal in fighting it. McBride thinks these modern trends of the court are all to the good. He stated the U. S. Supreme Court has done more to keep out subversives in his opinion than the group who are making disparaging remarks about the court. McBride stated he feels we should bear in mind the distinction between the law that society enacts against the criminal and the laws that society enacts against itself and we should elevate penal rights above a criminal sanction.

\* \* \* \* \*

In the question-and-answer period, one question was asked by attorney [redacted], who stated he was the attorney for the defendant who took the Abbate case up to the Supreme Court. He asked whether the panel thought there was any danger of federal legislation extending considerably under the guise of the commerce clause. This question was answered by the panel to the effect that it is not so much a question of legislation. It is more a question of a need for the federal and local law enforcement groups to get together and decide guideposts for policy in handling the concurrent jurisdiction questions. Reference was made to the policy of

Attorney General Rogers in counseling the exercise of caution on the part of United States Attorneys in authorizing prosecution in cases where the local authorities had already entertained prosecution.

One [redacted] of New York City asked whether the Supreme Court should not be applauded for condemning prosecutors who deny the defendant the right to counsel, as in the case of Spansal versus New York. Judge McBride answered in the negative, stating he would be opposed to any general condemnation of prosecutors; he felt that the precise areas where we desire to condemn should be specified.

CRIMINAL LAW SECTION

Business Meeting  
Wednesday, August 26, 1959, 5:00 p.m.

This panel was attended in part by Inspector Edwards and in its entirety by Special Agent H. E. Hoxie. Rufus King, Section Chairman, presided and numerous miscellaneous items were covered in rapid-fire order.

King first reported the resolution to be submitted to the House of Delegates, recommending the extension of the Interstate Transportation of Gambling Devices Statute to cover additional gambling equipment now not included under the current technical definition. This bill has the endorsement of the Attorney General. (It is noted that this Bill, S. 2107, was endorsed by the House of Delegates subsequently with the resolution recommended by the Criminal Law Section adopted).

King announced that the Criminal Law Section "News Letter" and the transcript of proceedings of Section activities at the convention would be sent to Section members.

King announced the formation of a Committee on Capital Punishment which was to be under the chairmanship of District Attorney J. Francis Coakley of Oakland, California. King stated that the announcement of the formation of this Committee was held up to follow the earlier discussion of the topic of capital punishment by the first session of the Criminal Law Section on Monday, August 24. Inquiry from the floor pointed out that Coakley was a staunch advocate of capital punishment and was well known for his views on this topic, and the chairman was asked why a man of such pronounced views then was made chairman. King answered that the Section desired to have a balanced committee to consider this topic and while there were many eager to speak against capital punishment, it was difficult to obtain someone who was vocal in defense of capital

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Enclosure

punishment and he assured the inquirer that a balanced committee and study would result.

It was announced that the actual membership of the Criminal Law Section, as of this meeting, was 943 and an increase over the 880 of the previous year.

The regional meeting of the Criminal Law Section is scheduled to be held at Memphis, Tennessee, on November 12, 1959. A demonstration of wire tap and recording equipment will be made at this time.

King announced that the Section desired to maintain liaison with other agencies having a mutual interest. In this connection, Mr. [redacted] of Chicago, immediate past president of the newly formed National Association of Defense Lawyers, gave a resume of the objectives of this organization. [redacted] stated that this organization is an outgrowth of the special schools for defense attorneys conducted by Northwestern University. [redacted] noted that prosecuting authorities and members of the armed forces were well represented in the Criminal Law Section but defense attorneys were not prominent in the activities of the Criminal Law Section and were not well represented at its meetings. [redacted] offered the full co-operation of his organization. [redacted] is the new president of this organization.

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*F/04/12*  
[redacted] gave a brief resume of activities of the Survey of the Administration of Criminal Justice in the United States conducted by the American Bar Foundation, which was a brain child of the Criminal Law Section. Copies of the History and Status Report, dated July, 1959, were distributed and a copy is attached. [redacted] noted that the American Bar Foundation had requested money for more surveys from the Ford Foundation but this request was declined and instead, the Ford Foundation recently granted nearly seventy-five thousand dollars to conduct an analysis of the past surveys already completed. [redacted] is to be in charge of this analysis and 1961 is the termination date for

publication and completion of the analysis. At that time the Foundation is to make application for further research funds. [redacted] announced that the seven-volume of the survey completed in Kansas, Wisconsin and Michigan was available to selected bodies, such as law schools, for research purposes but that it was not generally available to the public. (It is noted that the Bureau has previously reviewed a copy of this seven-volume report which was temporarily made available on a strictly confidential basis.)

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*(1/1)* ~~E/0-4d~~ William E. McKesson, District Attorney of Los Angeles, gave a brief statement re his Committee on Crime Portrayal in Public Media. He called on Erle Stanley Gardner, the mystery story writer, who spoke less than one minute, and stated merely that we must be realistic and must meet the demands of the public. He stated that this is a public relations matter and he had nothing further to say on the topic.

*(1/1)* ~~E/0-4d~~ *New York* Ed Silver, District Attorney from Brooklyn, and President of the National District Attorneys Association also touched on this topic. He stated that his organization desired to retain a sense of objectivity and would co-operate with the Criminal Law Section. He stated that there was a serious situation in existence, however, and cited the instance where in up-State New York 150 prospective jurors were excused for cause because they stated that they could not be fair to the prosecution after viewing the Perry Mason television show. Silver also went on at length concerning the objectives of his organization.

*(1/1)* ~~E/0-4d~~ Colonel James X Garnett gave a brief report on the Committee for the Defense of Indigent Persons. No final report has been prepared and it will be submitted at the next meeting.

*(1/1)* ~~E/0-4d~~ Judge James J. Robinson, Chairman of the Committee on International Criminal Law, reported that the policy of the Criminal Law Section re his Committee's work as far back as 1938 was to get a balance between the practical and the theoretical. He feels that those attorneys in the actual

criminal practice should participate in any endeavors to further international criminal law. Robinson referred to Attorney General Rogers' speech before the Assembly of the ABA calling for the international rule of law. International law is considered a stepchild and the role of law in international relations is neglected. He cited Thomas Jefferson as stating that treaties without enforcement provisions are worthless pieces of paper. Judge Robinson is currently assigned to Beirut and was a prosecutor of the Japanese war criminals. He had no specific report but called for the co-operation of members of the Section in furthering the objectives of international criminal law.

It was announced that the chairman of the Aviation Criminal Law Committee was in Munich attending a meeting on the legal status of aircraft. The topic of crimes aboard aircraft is being explored, which presents problems concerning (1) the extent of coverage, such as crimes endangering the aircraft or broader classification of the crimes and, (2) jurisdictional problems concerning such matters as whose air space, the country of registry of the plane, the country where the plane will next land, and citizenship of the persons involved. An international convention on the problem of crimes aboard aircraft may be needed.

Judge Evelle Younger, former Special Agent, announced the Committee on Narcotics and Alcohol has been inactive.

*F/DO-101*

Colonel Kenneth Hodson, Chairman of the Membership Committee, discussed the "News Letter," which he hoped would be a vehicle for increasing membership. He called for material from the membership to be included in this "News Letter" and encouraged contributors not to wait for a request if they had a topic of timely interest or a proposal which they were advocating; they should write this up in a brief form for possible inclusion in the "News Letter."

The following officers were elected unanimously upon presentation by the Nominating Committee:

Chairman -

Rufus King

Vice Chairman -	James V. Bennett Director Bureau of Prisons
Secretary -	Brigadier General Charles L. Decker Assistant Judge Advocate United States Army
Assistant Secretary -	Judge Evelle Younger Los Angeles
Section Delegate -	Arthur J. Freund St. Louis
Council Members -	J. Francis Coakley (Term to end 1963)  Louis B. Nichols (Term to end 1963)  Charles A. Bellows Chicago (Term to end 1961)  Morris Ploscove New York (Term to end 1961)  H. Lynn Edwards, FBI (Term to end 1960)

\* \* \*

There was some discussion concerning the retention of current officers, and one member stated it was his understanding that a general policy, as indicated by the House of Delegates, should be followed of having new officers each year. It is noted that of the above slate of officers, King, Bennett, and Freund are repeaters in their current position.

Also it should be noted that Decker, Nichols and Younger are being repeated as officers or council members for additional terms although, of course, not in the same position.

It was stressed that at future meetings of the Section the report of the Nominating Committee should be made available early during the convention so that the membership would have an opportunity to get better acquainted with those proposed as officers prior to the final business session where the election takes place. (It is noted that while the form of democratic objectivity is followed, the actual nomination is a pretty cut and dried affair. For instance, Rufus King subsequently stated to Mr. Edwards that next year he will be replacing Arthur Freund as Section Delegate to the House of Delegates and that General Decker will move up to the chairmanship from his current position as secretary. It is believed the Bureau's interests will be fully protected, however, in the next year and future years inasmuch as Edwards was elected to the Council and will, therefore, be entitled to participate in deliberations wherein policy and topics for discussion at sessions are covered. Although Mr. Nichols is also on the Council, the FBI representatives are fully aware that the Bureau's interests can only be adequately protected by active participation by current employees.) Judge Younger is a former Special Agent and both from information in his Bureau file and from conversations held with him at the current session, it is obvious that he is thoroughly Bureau minded, completely loyal, and an ardent admirer of the Director.

REC-59 94-1-369-1199

August 14, 1959

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Honorable Peter Campbell Brown  
Manning, Hollinger and Shea  
41 East 42nd Street  
New York 17, New York

Dear Peter:

Thank you for the thoughtfulness and courtesy of your letter of August 10, 1959, referring to the forthcoming annual meeting of the American Bar Association and enclosing copies of the proposed reports of your Committee and the Special Committee on Individual Rights as Affected by National Security.

It is quite apparent that you and your Committee are continuing to devote tremendous effort in the field of national security which is so vital to all of us. I certainly hope you keep up the good work.

At the present time, I have no ideas to pass along in line with your generous offer of assistance which I deeply appreciate. Should anything occur to me, you may be assured I will promptly communicate with you. In the meantime, I hope your visit to Miami will be most enjoyable for [redacted] and you, as well as successful in connection with your Committee's work.

23 13. 2 08 AM, 59

Sincerely,

Edgar

FBI

1 Auto 6/16/59  
4-16-59

- 1 - Mr. H. E. Hoxie  
1 - Mr. Belmont  
1 - Mr. Rosen  
1 - Mr. H. L. Edwards

See DeLoach to Tolson memo 8/14/59 captioned "American Bar Association Annual Meeting, Miami, Florida (8/24-27/59), etc." HLE:eag

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FOR APPROVAL  
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57 SEP 21 1959

MANNING, HOLLINGER & SHEA

41 EAST 42<sup>nd</sup> STREET  
NEW YORK 17, N.Y.

WILLIAM A. SHEA  
PETER CAMPBELL BROWN  
FRANCIS J. PURCELL  
CLAYTON D. HOLLINGER  
L. GARY CLEMENTE  
EDWIN A. LEWIS  
LOUIS SCHACK  
JAMES J. A. GALLAGHER  
DOUGLAS H. THAYER  
ALLAN KRAMER  
BRUCE A. HECKER  
JAMES T. GLAVIN  
WILLIAM E. DEBEVOISE  
RALPH L. ELLIS  
ROBERT J. RUBEN  
DONALD W. RANDALL  
WILLIAM F. O'BRIEN  
WILLIAM SCHURTMAN  
  
JOHN J. MANNING (1953)

MURRAY HILL 2-3354

CABLE ADDRESS  
HOLMANG

GEORGE V. MC LAUGHLIN  
COUNSEL

Mr. Tolson	✓
Mr. Belmont	✓
Mr. DeLoach	✓
Mr. McGuire	✓
Mr. Mohr	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W.C. Sullivan	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

August 10, 1959

Honorable J. Edgar Hoover  
The Director  
Federal Bureau of Investigation  
Washington 25, D. C.

Dear Edgar:

As Sam Goldwyn would observe "We are on the verge of the edge of the brink" of another annual meeting of the American Bar Association. I have heard some rumbles that some of the "egg-head" set may engage in some efforts to reverse the Resolutions presented by our Committee and adopted by the members of the House of Delegates at the Chicago midyear meeting of February last. However, I am also led to believe that these moves are not likely to gather any particular momentum and that we will be able to thwart them.

Rather than present any lengthy report to the Delegates at this coming session, I have believed that we may be better advised to merely submit our own views to two direct questions referred jointly to our Committee and the Committee on Individual Rights, etc. I am taking the liberty of enclosing the proposed reports of each Committee. I feel that we will gain more ground for our thinking by merely sounding out the general opinion of the membership and then in the early fall ready a complete report at the next midyear meeting for next February presentation.

Should you have any thoughts that you feel you would like covered (under the customary terms of being my own ideas without any assistance from anyone) I will be delighted to carry the ball. I plan to leave for Miami on August 18th with my wife for a few days in the sun in advance of the sessions that are to begin on the 24th. We will be at the Eden Roc until the 29th.

With every assurance of my esteem and affectionate regard,

Yours sincerely,  
Peter Campbell Brown

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2-ENCLOSURE  
ENCLOSURE ATTACHED

Mr. DeLoach

September 9, 1959

Mr. Jones

**CHARLES A. BELLWS,  
PAST PRESIDENT, NATIONAL  
ASSOCIATION OF DEFENSE LAWYERS  
IN CRIMINAL CASES, AND MEMBER OF  
THE COUNCIL, CRIMINAL LAW SECTION,  
AMERICAN BAR ASSOCIATION**

#### BACKGROUND

Bellows was present at sessions of the Criminal Law Section, American Bar Association (ABA) convention, 1959 annual meeting, in Miami Beach, Florida. He was elected to the Council of the Criminal Law Section and will have frequent contact, therefore, with Inspector H. L. Edwards who was also elected to this council. Following is brief data available re Bellows and the National Association of Defense Lawyers in Criminal Cases (NADLCC):

#### DATA RE BELLWS

The current Martindale-Hubbell Law Directory reflects that Bellows was born in 1901 and was admitted to the bar in 1925. He attended the University of Chicago and his offices are listed at 10 South LaSalle Street, Chicago, Illinois. Bufiles reflect Bellows is a prominent criminal attorney in Chicago. Various Crime Survey reports have indicated he has represented a crime syndicate in Chicago and also has represented other prominent hoodlums. (62-76147-9-79) and (91-5535-1937)

Enclosure

- 1 - Mr. DeLoach
- 1 - Mr. Edwards
- ① - 94-1-369

Continued on next page

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
dy \_\_\_\_\_

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ORIGIN

Memo Jones to DeLoach -- September 9, 1959

In 1946 the Laboratory did a handwriting examination, in connection with a bank robbery case, of the known signature of Bellows with a signature on a check which he denied having signed. The Laboratory examination verified he had not written his name on the questioned document (91-4084-48)

In 1947 Bellows accused Chicago police officers with brutality against clients of his. From news accounts there appeared to be some justification for his complaint. (62-75147-9-62)

In February, 1950, Bellows was apparently interviewed re whereabouts of a Brink's robbery suspect. There is no indication of any incident involved with this interview. (91-5535--1037, p. 62)

In October, 1958, Bellows was defense counsel for one [redacted] a subject of a Bureau ITSMV case. SA SYDNEY T. HOLLAND from the Laboratory testified on October 2, 1958, at Chicago concerning this case. (26-236258-33)

Bellows was the first president of the NADLCC which was formed in August, 1958.

Bellows was the attorney for the defense who carried an appeal to the United States Supreme Court in the case of Abbate vs. U. S., 359 U. S. 187, decided March 30, 1959, wherein the court held that it was not double jeopardy for the Federal Government to try a defendant for violation of Federal law following conviction in state court for the same offense. This was a Bureau case involving the Anti-Racketeering Statute and conspiracy to damage communications system operated and controlled by the U. S.

#### DATA RE NADLCC

This association was organized by 105 lawyers who attended a short course for criminal defense lawyers in August, 1958, at Northwestern

Continued on next page

Memo Jones to DeLoach --- September 9, 1959

University Law School. It was formed to promote the improvement of criminal law and foster periodic meetings of criminal defense attorneys. The first president was Charles A. Bellows, listed above; vice president was Samuel Dash, Philadelphia; and two secretaries were [redacted] Assistant Professor of Law at North-Western University. The latter was designated executive secretary. John W. Condon, Jr., Buffalo criminal attorney, was named to the board of directors of this organization. Condon has been prominent as a Buffalo defense attorney and has made frequent appearances in Federal court, including representation for defendants in Bureau cases. (63-4296-34-157) and (63-4296-6-95) 66673

It is noted that at the annual meeting of the ABA Bellows offered the close cooperation of this association with the Criminal Law Section. This offer was accepted and there will be continued liaison between the NADLCC and the Criminal Law Section.

RECOMMENDATION:

That the attached letter be sent to Chicago instructing that the results of a file check of that office re Bellows be submitted to the [redacted]

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94-1-369-1197

branch of the Government, since the Court made the finding that non-sensitive employees were not included under the Act.

Our Committee further feels that Congress has the benefits of the exhaustive study of the Commission on Government Security, an officially designated agency in which both Houses of Congress and the Executive branch of Government participated. We feel that this exhaustive study, conducted by experts, should be accorded substantial precedence over unofficial and much less exhaustive studies.

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RESPECTFULLY SUBMITTED,

PETER CAMPBELL BROWN, Chairman

Julius Applebaum  
Egbert L. Haywood

Louis B. Nichols  
Kendrick Smith  
Jackson A. Wright

II.

RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY

The resolutions proposed in this matter are set out at the head of this report.

DISCUSSION

In recent years, exhaustive studies have been made on the loyalty of Federal employees. Perhaps the most exhaustive and careful study conducted was that of the Wright Commission. The members of the Special Committee on Communist Tactics, Strategy and Objectives feel that the issue of whether the Federal Government should employ loyalty risks in "non-sensitive" as well as "sensitive" positions is so apparent that there can be no compromise with principle.

The question of loyalty cannot be determined from afar. This is best handled by public officials in whom confidence is reposed to carry on the operations of Government. We, therefore, feel that the only position the American Bar Association can reasonably take is to urge that only persons loyal to our constitutional republic be employed by our Government in both "sensitive" and "non-sensitive" positions, and that responsible officials of Government be given the authority to fully discharge their responsibilities.

In making our recommendations, we feel that the American Bar Association should adopt the suggestion of the United States Supreme Court in the case of Cole v. Young (351 U.S. 536; 76 S. Ct. 861) by extending the provisions of the Summary Suspension Act of 1950 to all departments and agencies of the Executive

period of time indicated through his actions that he adhered to the doctrine of such party, group, or association, as such doctrine is expressed in the actions and writings of such party, group, or association on a variety of issues, including shifts and changes in the doctrinal line of such party, group, or association." (476-477)

From a procedural standpoint, the rights of the Secretary of State to withhold confidential and critical information should not be as narrowly proscribed as proposed in the Report of the Committee on Individual Rights. The right to travel abroad should yield to the reasonable requirements of national security. Where the Secretary of State finds and certifies in a particular case that (a) the information upon which a passport has been denied is believed to be reliable, and (b) that it is detrimental to national security to disclose the information or the source, and (c) that it is not in the national interest to grant a passport, the Secretary should be authorized by Statute to deny a passport without the disclosure of evidence or source and without confrontation of witnesses.

6. Is affiliated with, or acts in concert with, or is dominated or controlled by, any party, group, or association of the character described in 1, or 2, or 3, or 4, above.

"Section 2. - Criteria

"For the purpose of Section 1, 'reasonable grounds' shall include but not be limited to-

(a) Membership in any party, group, or association, described in Section 1; or

(b) Prior membership in any party, group, or association, described in Section 1, where termination of such membership was under circumstances warranting the conclusion that the applicant continues to act in furtherance of the interests of such party, group, or association; or

(c) Regardless of the formal state of his affiliation with any party, group, or association, described in Section 1, has engaged or engages in activities which further the aims and objectives of such party, group, or association, under circumstances warranting the conclusion that he engages in such activities as a result of direction, domination, or control exercised over him by such party, group, or association, or otherwise continues to act in furtherance of the interests of such party, group, or association; or

(d) Regardless of the formal state of his affiliation within a party, group, or association, described in Section 1, has consistently over a prolonged

These standards and criteria are as follows:

"Section 1. - Standards

"Where there are reasonable grounds to believe that the purpose of the applicant in going abroad is to engage in activities which will further the aims and objectives of any party, group, or association, which the Congress of the United States, or any agency or officer of the United States duly authorized by the Congress for that purpose, finds:

1. Seeks to alter the form of Government of the United States by force or violence, or other unconstitutional means; or
2. Is organized or utilized for the purpose of advancing the aims and objectives of the Communist movement; or
3. Is organized or utilized for the purpose of establishing any form of dictatorship in the United States or any form of international dictatorship; or
4. Is organized or utilized by any foreign government, or by any foreign party, group or association acting in the interest of such foreign government for the purpose of (a) espionage, or (b) sabotage, or (c) obtaining information relating to the defense of the United States or the protection of the national security, or (d) hampering, hindering, or delaying the production of defense materials; or
5. Has adopted a policy of advocating or approving the commission of acts of force and violence to deny others their rights under the Constitution of the United States; or

Any legislation should empower the Secretary of State to restrict travel outside the Country, if there is a reasonable basis for belief that such travel conflicts with national security. After a passport is granted, it is obviously too late to protect the Country against the acts of the recipient.

It is the opinion of our Committee that the National Security requires that the denial of passports should be based upon well defined statutory standards and criteria. This was the subject of exhaustive study by the decision of the Commission on Government Security, headed by the Honorable Loyd Wright, a former President of this Association. We recommend that the standards and criteria advanced by this Commission be adopted as the most effective and thoroughly considered standards and criteria yet advanced.

The Special Committee on Communist Tactics, Strategy and Objectives must advise that it does not wish to make further comment on the report of the Special Committee on Individual Rights as affected by the National Security, other than as set forth herein by virtue of the divergence of views on the part of our Committee with portions of said report.

We do agree, generally, with the objective of encouraging travel for peaceful, friendly purposes and of protecting the rights of freedom to travel to the extent that such freedom to travel is not in conflict with our national security.

The vast majority of Americans now travel without restraint. Out of more than 600,000 passports issued in the last year, the Committee has been informed that in less than 50 cases the Secretary of State would have denied a passport without a disclosure of confidential information. The primary concern, therefore, is the maintenance of a proper balance between freedom to travel and national security.

This Committee is of the firm opinion that the right to travel outside the United States is not an individual right of the nature and character of those guaranteed by the Bill of Rights, but partakes more of the nature of a privilege. The duty of the Government to protect itself in those few cases, from those who would destroy it, is vital, not only in times of war and emergency, but at all times.

International Communism, of which the Communist Party of the United States is an agent and instrument, is a conspiracy, seeking to overthrow our Government by force and violence. This fact has been recognized and declared by the Legislative, Executive and Judicial branches of our Government.

The Communist Party is not a political party in the American sense.

I

RECOMMENDATIONS AS TO PASSPORT PROCEDURES

The resolutions proposed in this matter are set out at the head of this report.

DISCUSSION

It is our judgment that at this time the subject of Passport Legislation be considered in two parts:

- (a) There is the necessity to draft and enact comprehensive legislation covering the broad field of passports in order to provide a status to the Passport Division of the Department of State possessing clearly defined legislative standards to govern its operations;
- (b) There is an urgent necessity to enact new legislation, narrow in scope, until comprehensive legislation can be drafted and considered, to afford this nation necessary protection, by the grant of authority to the Secretary of State to withhold passports in the few exceptional cases, upon the Secretary's certification that a disclosure of confidential information would not be in the interest of national security; and further, that the granting of a passport to the applicant would be contrary to the peace and security of our nation.

At the 1959 mid-winter meeting we advised the House of Delegates that every effort would be made by this Committee and the Special Committee on Individual Rights as affected by National Security to reach a joint report on the two problems dealt with herein. Such an effort has been made by both committees but full agreement could not be reached in either area. Accordingly separate reports are being made to the House.

As this committee conceives the situation, our two committees are separated by a difference in their primary emphasis. We do not believe that the Committee on Individual Rights as affected by National Security is fundamentally any less concerned about the defense of the United States than is our Committee; and certainly our committee is no less concerned about the preservation of the guarantees of the Bill of Rights than is the Committee on Individual Rights. We wish to emphasize our deep conviction that we must continue to protect individual rights and at the same time re-state our view that without national security individual rights could fail. While we must be socially sensitive and always champion the freedoms which our Constitution guarantees, we must make certain that the Constitution itself is not destroyed by those whose rights we seek to defend.

III

THE COMMITTEE RECOMMENDS THAT THE SPECIAL  
COMMITTEE ON COMMUNIST TACTICS, STRATEGY AND  
OBJECTIVES BE CONTINUED.

REPORT

This Committee has had an active year and has held three meetings. One meeting took place in New York City in January, another on the occasion of the mid-winter meeting in Chicago and a third meeting in New York City during the month of May.

The Committee has considered a number of questions in its field, but presents recommendations now only on the two matters which were referred at the last annual meeting to this committee jointly with the Special Committee on Individual Rights as affected by National Security: The problem of permissible restrictions on the issuance of passports and the problem of governing the "non-sensitive" federal government positions under the present employee security program.

position of the Association in conformity with the above resolution.

II

RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY

The Committee recommends adoption of the following resolutions:

WHEREAS the American Bar Association believes that employment by the Federal Government is a privilege and not a right;

WHEREAS the American Bar Association believes that the American public is entitled to the services of loyal Americans in the employ of their government, regardless of whether employed in positions described as "sensitive" or "non-sensitive";

NOW THEREFORE, BE IT RESOLVED that the Congress of the United States enact legislation to extend the Summary Suspension Act of 1950 to all departments and agencies of the Executive branch of Government.

Be It Further Resolved, that the American Bar Association authorize its Special Committee on Communist Tactics, Strategy and Objectives to appear before the committees of the Congress to state the position of the Association in conformity with the above resolution.

These criteria and standards should be simple and unequivocal. In addition they should contain a specific authorization to the Secretary of State empowering him or the acting Secretary to withhold a passport in the national interest based upon confidential information and upon which he shall certify that it is contrary to the interests of this nation that a passport be issued to the applicant; and further, to prevent foreign espionage agents from departing this country for the purpose of carrying out their espionage pursuits or to escape disclosure or prosecution; and that such legislation establish adequate appeal procedures which would insure due process of law so as to provide recourse to the individuals concerned in the event of any arbitrary or capricious exercise of discretion not properly founded.

Be It Further Resolved, that the American Bar Association authorize its Special Committee on Communist Tactics, Strategy and Objectives to appear before committees of the Congress to state the

August 1959

AMERICAN BAR ASSOCIATION  
REPORT OF THE SPECIAL COMMITTEE ON  
COMMUNIST TACTICS, STRATEGY AND OBJECTIVES

RECOMMENDATIONS

I

RECOMMENDATIONS AS TO PASSPORT PROCEDURES

The Committee recommends adoption of the following resolutions:

Resolved that the American Bar Association recommends to the Congress the adoption of legislation to eliminate obstacles to the preservation of our internal security in the following areas:

1. Restore to the executive branch of Government the right to deny passports to persons knowingly engaged in subversive activities or activities intended or designed to further international communism by the establishment of criteria and standards to be applied in the issuance or denial of passports.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: Sept. 11, 1959

FROM : M. A. Jones

SUBJECT: ~~S. CON. RES. 74~~  
~~(86th Congress) 1959~~

Tolson  
 Belmont  
 DeLoach  
 McGuire  
 Mohr  
 Parsons  
 Rosen  
 Tamm  
 Trotter  
 W.  
 T. R. Hoot  
 Holloman  
 Gandy

Captioned resolution was introduced on August 24, 1959, by Senator Javits for himself and 37 others. It contains the following resolution clause:

"Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the plan submitted by the American Bar Association for a series of conferences of lawyers from many nations with a view to the strengthening of the rule of law among nations offers possibilities of a substantial contribution to international peace and security and should be encouraged by the Government and people of the United States in every appropriate way."

The body of the resolution makes reference to a study conducted by the American Bar Association (ABA) at the request of the International Cooperation Administration and a comprehensive plan for a series of conferences of lawyers from many nations to consider and recommend action on matters within the special competence of the legal profession. It is felt that further use of the rule of law and contact by lawyers of various nations would be beneficial to breaking through the barriers of mutual distrust.

At the ABA annual meeting recently concluded, the report mentioned above of the Special Committee on World Peace Through Law, under the chairmanship of Charles S. Rhyne, was submitted. The work of the Committee is to be continued. The first sentence of the conclusion reads:

1 - Mr. Tamm  
1 - Mr. DeLoach

HEH/emb  
(5) *emb*

ENCLOSURE

60 SEP 22 1959

REC'D 9/17/59  
REC-24  
EX 105

24 SEP 17 1959

CRIME

H.E.H.

Memo Jones to DeLoach - Sept. 11, 1959

"While the exploratory program this Committee has conducted does reveal tremendous world-wide interest in law as a replacement for weapons in international decision making, it is clear that much work must be done toward making lawyers and laymen more fully aware of what they can do to advance the gradually evolving program of world peace through law herein outlined."

Among the items suggested was further use of the International Court of Justice. This position is consistent with that taken by Attorney General Rogers in his speech before the ABA. Rogers recommended repeal of the "Connally Amendment" which limits the determination of jurisdiction over the United States by the International Court to the United States.

RECOMMENDATION:

For information.

✓ Dlm/

86TH CONGRESS  
1ST SESSION

**S. CON. RES. 74**

IN THE SENATE OF THE UNITED STATES

AUGUST 24, 1959

Mr. JAVITS (for himself, Mr. ALLOTT, Mr. BARTLETT, Mr. BEALL, Mr. BIBLE, Mr. BUSHL, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARROLL, Mr. CASE of New Jersey, Mr. CHAVEZ, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. DOUGLAS, Mr. ENGLE, Mr. GRUENING, Mr. HART, Mr. HENNINGS, Mr. HUMPHREY, Mr. KEATING, Mr. KEFAUVER, Mr. KUCHEL, Mr. LAUSCHE, Mr. MAGNUSON, Mr. MORSE, Mr. MOSS, Mr. MURRAY, Mr. NEUBERGER, Mr. PROXIMIRE, Mr. SALTONSTALL, Mr. SCOTT, Mr. SMATHERS, Mr. SYMINGTON, Mr. WILEY, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

**CONCURRENT RESOLUTION**

Whereas the American Bar Association, after a detailed study by its special committee on world peace through law made at the request of the International Cooperation Administration, has submitted to the said Administration a comprehensive plan for a series of conferences of lawyers from many nations to consider and recommend action on matters within the special competence of the legal profession with a view to the strengthening of the rule of law among nations; and

Whereas according to the said plan, the agenda of the proposed conferences might include the means of increasing use of the

ENCL

94-1-369-1198

AMERICAN  
LEGISLATIVE  
SERVICES  
CORPORATION

International Court of Justice, the establishment of regional courts of international law outside the judicial system of the United Nations, the extension of the jurisdiction of international courts to disputes between governments and individuals and between private parties, the extension and improvement of institutions and procedures for arbitration of disputes between governments and of disputes growing out of concession contracts and international business transactions between governments and individuals and between private parties, the removal of the legal uncertainties and fears which now block the economic advancement of nations, and the establishment or improvement of agencies and procedures for adaptation of existing rules of international law to changing conditions, with a view to furthering the growth of a body of international law acceptable to all nations by drawing upon all legal systems of the world; and

Whereas the report submitted with the said plan provides a substantial basis for the hope that members of the legal profession throughout the world meeting in conferences for the purpose stated in the said plan might be able to break through the barriers of mutual distrust that have prevented agreement among governments on topics such as those hereinbefore mentioned, to achieve mutual understanding of their diverse systems of law, and to agree upon recommendations of concrete steps looking toward the establishment of the rule of law among nations; and

Whereas the report submitted with the said plan emphasizes the fact that it would be most advantageous to the success of the proposed conferences that they be held under private sponsorship and that all political issues be avoided; but it is nevertheless clear that the governments of all countries

should welcome and encourage the search by members of the legal profession throughout the world for means of stimulating and coordinating their efforts to strengthen the rule of law among nations; Now, therefore, be it

- 1     *"Resolved by the Senate (the House of Representatives*
- 2     *concurring), that it is the sense of the Congress that the*
- 3     *plan submitted by the American Bar Association for a*
- 4     *series of conferences of lawyers from many nations with a*
- 5     *view to the strengthening of the rule of law among nations*
- 6     *offers possibilities of a substantial contribution to inter-*
- 7     *national peace and security and should be encouraged by*
- 8     *the Government and people of the United States in every*
- 9     *appropriate way. "*

86TH CONGRESS  
1ST SESSION      S. CON. RES. 74

---

## CONCURRENT RESOLUTION

Favoring a plan to hold international conferences in order to strengthen the rule of law among nations.

---

By Mr. JAVITS, Mr. ALLOTT, Mr. BARTLETT, Mr. BEALL,  
Mr. BIBLE, Mr. BUSH, Mr. BYRD of West Virginia,  
Mr. CANNON, Mr. CARROLL, Mr. CASE of New Jersey,  
Mr. CHAVEZ, Mr. CHURCH, Mr. CLARK, Mr. COOPER,  
Mr. DODD, Mr. DOUGLAS, Mr. ENGLE, Mr. GRUENING,  
Mr. HART, Mr. HENNINGS, Mr. HUMPHREY, Mr.  
KEATING, Mr. KEFAUVER, Mr. KUCHEL, Mr. LAUSCHE,  
Mr. MAGNUSON, Mr. MORSE, Mr. MOSS, Mr. MURRAY,  
Mr. NEUBERGER, Mr. PROXIMIRE, Mr. SALTONSTALL,  
Mr. SCOTT, Mr. SMATHERS, Mr. SYMINGTON, Mr.  
WILEY, Mr. WILLIAMS of New Jersey, and Mr.  
YOUNG of Ohio

---

AUGUST 24, 1959

Referred to the Committee on Foreign Relations

F B I

Date: 9/1/59

## PLAIN TEXT

Transmit the following in \_\_\_\_\_  
(Type in plain text or code) *G Griffith*Via AIRTEL \_\_\_\_\_  
(Priority or Method of Mailing)TO: DIRECTOR, FBI  
FROM: SAC, MEMPHIS (80-12)*AMERICAN BAR ASSOCIATION MEETING (REGIONAL),  
MEMPHIS, TENNESSEE, NOVEMBER 12-14, 1959  
SPEECH*b6  
b7C

*n3*  
 Mr. [redacted] attorney with the law firm of Armstrong, McCadden, Allen and Goodman, 800 Commerce Title Bldg., Memphis, Tenn., has advised that there will be an American Bar Association meeting in Memphis on November 12-14, 1959, inclusive. He is assisting in the preparation of the program for the Junior Bar Group.

Mr. [redacted] has advised that they have scheduled Mr. [redacted] a handwriting expert of Chicago, Ill. and Memphis, Tenn., to appear on the program in regard to expert handwriting testimony. [redacted] will demonstrate his techniques and speak on November 12, 1959. Mr. [redacted] thought that possibly an FBI Laboratory expert might appear and present a demonstration of some of the Laboratory equipment, mentioning specifically the Spectrograph. Mr. [redacted] was under the impression that an FBI Laboratory representative was assigned locally. The FBI Laboratory setup was explained to Mr. [redacted] and he then stated that he would still like very much to have a representative of the Bureau appear on the program after the appearance of [redacted] in some capacity agreeable to the Bureau.

A. M. ....

A. U. S. D. .... The above meeting of the American Bar Association is a regional one at which approximately 1,000 members will be in Spec. Col. attendance, the region including Arkansas, Louisiana, Tennessee, Reg. Mail Kentucky, Mississippi, and Alabama.

Registered..... Mr. [redacted] stated that if a Bureau representative could appear and speak on Laboratory matters and possibly show a film or slides that he thought it would be most interesting to those in attendance.

7 - Bureau - TX <sup>Received</sup>  
1 - Memphis N.H.

REC-59

25 SEP 3 1959

53 SEARCHED  
(42) 1959Approved: John J. Wren  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

CRIMINAL  
JULY 1959

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via \_\_\_\_\_  
(Priority or Method of Mailing)

ME# 80-12

b6  
b7C

In view of the prominence of the American Bar Association and the fact that this is a regional meeting, it is thought I should appear before the group to speak generally on the Bureau and its jurisdiction and its relation with the legal profession, and show the film, "A Day With the FBI."

Mr. [redacted] requested that if possible he be advised as to whether or not the Bureau representative could appear by Monday, 9/7/59.

For the Bureau's information in regard to [redacted]  
reference is made to Bureau letter to Memphis, 9/28/53, entitled,  
[redacted] Union City, Tennessee, Document Examiner", in  
which the Memphis Office was requested to furnish the Bureau  
information concerning [redacted]

Memphis letters of 10/20/53 and 10/29/53 furnished information reflecting that [redacted] first came to Union City, Tenn. in approximately 1938, after marrying a Union City girl. He first became interested as a document examiner while attending college but due to lack of finances he quit school and continued to study by correspondence courses, and reading books, periodicals, and publications relating to examining documents. According to sources, [redacted] as of 1953 had not handled any cases for local, state or Federal governments or law enforcement agencies at Union City, Tenn. but did do considerable work for attorneys in the area. Since living in Memphis [redacted] has apparently been employed by various attorneys on handwriting matters.

Although it is realized that [redacted] does not apparently hold any stature as a handwriting expert, it is believed that in view of his appearance before a group as prominent as the American Bar Association that in order to offset any misleading statements which he might make that it would be definitely desirable for the Bureau to have a representative appear before this meeting in order that there will be no misunderstanding concerning the Bureau's activities in Laboratory matters and also to explain the general Bureau activities and operations.

- 2 -

Approved: \_\_\_\_\_ Sent: \_\_\_\_\_ M Per: \_\_\_\_\_  
Special Agent in Charge

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via \_\_\_\_\_  
(Priority or Method of Mailing)

ME# 80-12

Mr. [redacted] has subsequently advised today that he had tried to get in touch with me before my arrival in the City and since that time he has been on leave. He stated that he has been in conference with the other members of the Bar Association who are preparing the program and they desire to set up the program definitely today so that the program can be printed. In view of the necessity of action being taken today and in view of the fact that [redacted] was scheduled to appear on the program, this matter was telephonically discussed with Mr. [redacted] at the Bureau who authorized the acceptance of this invitation.

b6  
b7C

Mr. [redacted] has been advised that the invitation will be accepted and that I will appear for approximately 45 minutes on this program. Mr. [redacted] stated that the meeting will be broken down into sections and that this particular section will be the Junior Bar Conference Program Section and that they would expect at least 100 people to be in attendance at this particular section. There should be considerable newspaper publicity in connection with the American Bar Association meeting in Memphis.

- 3 -

Approved: \_\_\_\_\_ Sent: \_\_\_\_\_ M Per: \_\_\_\_\_  
Special Agent in Charge

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont *Albion*

FROM : Mr. J. F. Bland *JFB*

SUBJECT: 82ND ANNUAL MEETING  
AMERICAN BAR ASSOCIATION  
 MIAMI BEACH, FLORIDA  
 August 24-28, 1959

DATE: September 16, 1959

Tolson	✓
Belmont	✓
DeLoach	✓
McGuire	✓
Mohr	✓
Parsons	✓
Rosen	✓
Tamm	✓
Trotter	✓
W.C. Sullivan	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

Rememo from Mr. DeLoach to Mr. Tolson of 9/3/59 summarizing Bureau coverage of above meeting. Copies of this memorandum were referred to this Division, together with certain attachments, for analysis and appropriate recommendations on matters affecting the Division contained in the enclosures thereto.

One enclosure, the report of the Special Committee on Individual Rights as Affected by National Security (Ballard Report) was analyzed insofar as it affected this Division in my memorandum of 8/12/59 captioned "Passport Legislation, Proposed Recommendation of the American Bar Association (ABA)." This report, dealing partially with the issuance of passports, recites that freedom to travel abroad should be limited only to the extent clearly shown to be required by national security and conflicts with a report prepared by the Special Committee on Communist Tactics, Strategy and Objectives, which was likewise analyzed in the above-mentioned 8/12/59 memorandum. Mr. Peter Campbell Brown is chairman and Mr. Louis B. Nichols is a member of this latter Committee. The latter report recommended the adoption of a resolution to restore to the executive branch of the Government the right to deny passports to persons knowingly engaged in subversive activities or activities intended or designed to further international communism. As noted in referenced memorandum, the House of Delegates of the ABA issued instructions to the Ballard Committee and to the Brown Committee to hold a joint meeting with the subcommittee of the ABA Board of Governors for the purpose of reaching a joint report prior to the Board's 10/59 meeting.

Also enclosed with referenced memorandum was a "Report of the Standing Committee on Bill of Rights," Joseph Harrison, chairman. This Bill of Rights Committee analyzed therein 24 decisions of the U.S. Supreme Court, including such decisions as the Pennsylvania v. Nelson decision, in which the Supreme Court held that state legislation in the subversive field was superseded by the Smith Act of 1940, and the Kent and Briehl v. Dulles passport decision, in which the Supreme Court held

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Tamm
- 1 - Mr. Belmont
- 1 - Mr. Bland
- 1 - Mr. Rushing

REC-25

EX.

94-1-369-1800

12 SEP 24 1959

TDR/pmt  
(7)

33 SEP 29 1959

33

Memorandum for Mr. Belmont  
Re: 82ND ANNUAL MEETING, AMERICAN BAR ASSOCIATION

that the Secretary of State had no authority to deny issuance of passports in the interest of internal security. Based on its study of these 24 decisions, the Bill of Rights Committee concluded that there has been no impairment of national security by recent Supreme Court decisions. This report contained no recommendations or resolutions and was merely received for filing by the ABA. It appears that this report was designed for the purpose of weakening the resolution sponsored by the "Special Committee on Communist Tactics" of the ABA, adopted by the House of Delegates of the ABA on 2/24/59, which expressed concern over recent Supreme Court decisions in the internal security field.

[redacted] a member of the Committee on the Bill of Rights, submitted a dissenting opinion.

b6  
b7C

ACTION:

As noted above, a meeting between the Brown and Ballard Committees is scheduled with a subcommittee of the ABA Board of Governors in the near future in an effort to resolve existing conflicts in reports submitted by these Committees and to reach a joint report prior to the Board's 10/59 meeting. In view of our interest in the internal security field, the Bureau's representative to the ABA should closely follow this matter to determine results of the joint meeting.

YPL  
gj

9/17

name  
JHR  
9/17

September 30, 1959

MEMORANDUM FOR MR. TOLSON  
MR. DELOACH  
MR. TAMM

✓ Yesterday, at the request of the Attorney General, I saw Mr. John D. Randall, President of the American Bar Association and who is a resident of Cedar Rapids, Iowa.

Mr. Randall was most commendatory of the work of the FBI and appreciated sincerely the fact that we had had our Special Agent in Charge at Omaha get in touch with him after he had been elected President of the American Bar Association.

We discussed generally some of the problems of law enforcement, such as the juvenile delinquency situation; the softness of some of the juvenile judges; the tendency upon the part of certain individuals, both in the courts as well as in social welfare work, to deal unrealistically with the problem of juvenile delinquency; and various other matters. I found that Mr. Randall was generally in accord with the views which we in the FBI have held in these matters.

EX. REC. 42 94-1-369 1201

Mr. Randall inquired as to whether we had representatives of the FBI participating in the Criminal Law Section of the American Bar Association and I told him we did. He inquired as to what I thought of the work of the Criminal Law Section of the American Bar Association, and I told him there was at least an element in that group which tends toward a 'bleeding heart' attitude in more strongly stressing the rights of defendants than I thought was practical. I stated we in the FBI shared the view that defendants should be accorded all proper rights, but I felt that a happy balance should be struck in this respect with equal recognition of the rights of society and of victims of criminals which too often get little attention. He shared my views to this general premise.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGure \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

JEH; EDM (7)

MAIL ROOM  TELETYPE UNIT

10/2/59

10-2-59

SENT FROM P. O.
TIME 2:15 PM
DATE 9-30-59
BY CEA

37 OCT 2 - 1959

63-373-  
UNRECORDED COPY FILED IN

Memorandum for Messrs. Tolson, DeLoach, Tamm

September 30, 1959

He inquired as to whether we had representatives on the Council of the Criminal Law Section of the American Bar Association, and I told him I was not certain whether we did. He asked me to look into this and let him know as he felt the FBI should actively participate in the work of the American Bar Association and in particular the Criminal Law Section. I told him I would.

I would like to be advised as to exactly whether we do have representatives on the Council of the Criminal Law Section of the American Bar Association and I would like to have a letter prepared to Mr. Randall which I can send to him.

I think it would be well to place him upon the mailing lists in the event he is not already on the same. He should be sent a copy of the Law Enforcement Bulletin each month.

Very truly yours,

J. E. H.

John Edgar Hoover  
Director

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

FROM : M. A. Jones

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
CRIMINAL LAW SECTION  
BUREAU REPRESENTATION

DATE: October 1, 1959

Toison	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tel. Room	_____
Holloman	_____
Gandy	_____

On 9-29-59 the Director met with Mr. John D. Randall, President of the ABA, at the request of the Attorney General and discussed problems of law enforcement and the ABA. Mr. Hoover has inquired as to whether the Bureau has representatives on the Council of the Criminal Law Section, ABA, and he instructed that an appropriate letter in this regard be prepared to send to Mr. Randall. The Director also instructed that Randall be placed on the mailing list if not already on such a list and he should be sent a copy of the FBI Law Enforcement Bulletin each month.

For the Director's information, Inspector H. L. Edwards and SA H. E. Hoxie attended all sessions of the Criminal Law Section at the recent ABA meeting in Miami Beach, and the Director has approved their attendance at the Southern Regional Meeting, ABA, to be held in Memphis November 12-14, 1959. Membership in the Criminal Law Section totals approximately 900. At the annual meeting, Mr. Edwards was one of only five persons elected to the Council of the Criminal Law Section. Mr. L. B. Nichols was the Secretary of the Section prior to this meeting and was also elected to the Council. President Randall has not been active in the Criminal Law Section, and for the 1958-59 year at least was not a member of this Section. It is noted the registered membership in the ABA as of 7-31-59 was 95, 220 and there are 18 separate sections plus numerous special committees. It is impossible to be active in many sections. The Bureau's representatives are members of both the Criminal Law Section and the newly created Family Law Section which handles juvenile matters plus other items. Both Edwards and Hoxie met Randall at a reception at the recent meeting, but since registered members and guests at this meeting totaled nearly 11,000 it is not surprising that he did not recall the Bureau representatives. Every effort will be made to cultivate his acquaintance in the future.

REC-47 94-1364-A-2  
 Mr. Randall is now on the mailing list to receive the JICR bulletin. He will now be placed on the Special Correspondents' List, and our records will also be adjusted so that he will receive the Law Enforcement Bulletin. 6 1959

RECOMMENDATION:

EX 104

57 OCT 13 1959 That the attached letter be sent to President Randall

Enclosure

1 - Mr. H. L. Edwards



HEH:ijj (5)

UNRECORDED COPY FILED IN 63-3831 B

## SK Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: Sept. 14, 1959

FROM : M. A. Jones

SUBJECT: AMERICAN BAR ASSOC. (ABA) JOURNAL  
SEPTEMBER, 1959

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W. C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

The current issue of captioned publication contains, commencing on pages 911 and 987, two items concerning Anthony Lewis, correspondent for the "New York Times." The one article is entitled "A Newspaperman's View: The Role of the Supreme Court," and is by Lewis; the second is an article concerning the legal reporting by Lewis, which is most favorable. It is noted that Lewis covers the Supreme Court and the Justice Department and, therefore, persons in this division are likely to have contact with him. He was observed at the recently concluded ABA meeting.

This current issue of the ABA Journal also contains an article, entitled "Mental Disorders: Their Effects upon Handwriting," by Hanna F. Sulner, commanding on page 931. It is believed this article may be of interest to the Document Section of the Laboratory. *D.C.*

This current issue is attached.

RECOMMENDATION:

After notation of the pertinent articles by Lewis, that this memorandum be referred to the Laboratory for review of the above-mentioned article on handwriting.

Enclosure

- 1 - Mr. DeLoach
- 1 - Mr. Parsons

HEH/emb

(5)

PENN BEHIND FILE

69 OCT 13 1959

REC-794-1-369-123

EX- 105

14 OCT 7 1959

RECEIVED

HEH.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: October 6, 1959.

FROM : M. A. Jones

SUBJECT: JOHN D. RANDALL  
 PRESIDENT  
AMERICAN BAR ASSOCIATION (ABA)  
 LAW ENFORCEMENT BULLETIN

TENN  
JL

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tenn Room	_____
Holloman	_____
Gandy	_____

On September 29, 1959, the Director met with Mr. John D. Randall who was most commendatory of the work of the FBI. The Director discussed generally some of the problems of law enforcement such as the juvenile delinquency situation; the softness of some of the juvenile judges; the tendency upon the part of certain individuals, both in the courts as well as in social welfare work, to deal unrealistically with the problem of juvenile delinquency; and various other matters. The Director found that Mr. Randall was generally in accord with the views which we in the FBI have held in these matters.

Mr. Randall's position as President of the ABA, of course, is a prominent one. In line with our desire to obtain articles from men of prominence for the FBI Law Enforcement Bulletin, it is felt that an article by Mr. Randall on the law enforcement officer's legal responsibilities; juvenile delinquency; the responsibility of judges; the relationship between the law enforcement officer and the lawyer, or some other topic of his own choosing, would be an excellent presentation for the Bulletin to make. We would not only obtain what would doubtlessly be a learned and valuable article for law enforcement officers but would also attract attention to the Bulletin when copies are distributed to the national wire services. We would, of course, point out to them the significance of Mr. Randall's article.

It is felt that such a request of Mr. Randall might better be made by Inspector H. L. Edwards in the event Mr. Randall attends the Southern Regional Meeting of the ABA at Memphis, Tennessee, in November. It is felt this could not only be handled better on a personal basis but would help to establish liaison between Mr. Randall and our Bureau representatives to the ABA.

Mr. Randall was recently placed on the FBI Law Enforcement Bulletin mailing list at the Director's instructions so that he should be familiar with our publication and its format.

REC-18 94-1-369-1304

1 - Mr. DeLoach  
 1 - Mr. Edwards, Room 5256  
 CEM:rzw  
 (5) *mrg*

23 OCT 9 1959

(Continued on next page)

57 OCT 14 1959

M. A. Jones to Mr. DeLoach memorandum

In the event Mr. Randall is not at the Memphis meeting in November, we can explore with Mr. Edwards at that time the best avenue for contacting him with our request that he prepare an article for the Bulletin.

RECOMMENDATION:

That approval be granted for requesting an article for the Law Enforcement Bulletin from Mr. Randall and that the procedure for obtaining same be followed as set forth above.

Discussed with  
Mr. Edwards  
8-29

Ward  
J.W.  
8-29

OK  
H.

DW

October 1, 1959

Honorable John D. Randall  
328 Forest Drive Southeast  
Cedar Rapids, Iowa

My dear Mr. Randall:

It was certainly good to meet with you Tuesday and discuss some of the problems of law enforcement and the American Bar Association.

In response to your inquiry concerning FBI representation on the Criminal Law Section Council, I am happy to advise that Inspector H. L. Edwards, assigned to our headquarters, was elected to Council membership at the recent annual meeting of the Association. Mr. Edwards and another representative of this Bureau are scheduled to attend the Southern Regional Meeting of the American Bar Association at Memphis in November and will be active in Criminal Law Section activities. I do hope that you will call on Mr. Edwards or me at any time we may be of service.

Enclosed is a copy of the most recent FBI Law Enforcement Bulletin, and our records are being adjusted so that you will receive future issues on a regular basis.

EX- 105

12 OCT 12 1959

With warm regards,

Sincerely yours,

Ltr 12

MAILED 10
OCT 6 1959
COMM-FBI

Enclosure

1 - Mr. H. L. Edwards

NOTE: See Jones to DeLoach memo dated 10-1-59 captioned "American Bar Association (ABA) Criminal Law Section, Bureau Representation," HEH:ijj. Address per prior correspondence.

HEH:ijj (6)

MAIL ROOM 53 OCT 14 1959

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 10/21/59

FROM : SAC, Memphis

b6  
b7CSAC SUBJECT: SOUTHERN REGIONAL MEETING,  
AMERICAN BAR ASSOCIATION,  
MEMPHIS, TENNESSEE, 11/12-14/59  
SPEECH MATTER

In regard to my scheduled appearance before the Southern Regional Meeting of the American Bar Association in Memphis on November 12, 1959, I received a communication from Mr. [redacted] Director of Public Relations of the American Bar Association, asking for ten copies of the talk that I will make in order that it can be distributed to the press by 11/10/59.

I am advising Mr. [redacted] that I will be very glad to make copies of my remarks available to him on or before 11/10/59. The Bureau will be furnished a copy of my remarks prior to that time for approval.

2 - Bureau  
1 - Memphis

FCH:RSV  
(3)

REC-7  
EX- 105

94-1-369 f206

15 OCT 27 1959

58 OCT 30 1959



*E. Edwards, Jr.*  
CRIME RIBBON

## Office Memorandum • UNITED STATES GOVERNMENT

b6  
b7C

TO : Director, FBI

DATE: 10/23/59

FROM: *Zerb* SAC, Memphis (80-12-3558)SUBJECT: *O*  
AMERICAN BAR ASSOCIATION MEETING (REGIONAL)  
MEMPHIS, TENNESSEE, 11/12-14/59  
SPEECH*JB*  
Remyairtel 9/1/59.

Mr. [redacted] attorney, Memphis, was contacted on 10/22/59, at which time a discussion was had with him concerning the SAC's appearance before the American Bar Association Regional Meeting in Memphis on 11/12/59. Mr. [redacted] agreed that in view of the fact that the movie "The FBI Story" had only recently appeared in Memphis and is currently being shown throughout this area, it would probably be inadvisable to show the movie "A Day With the FBI" in connection with the SAC's remarks at this meeting. He agreed that it would be preferable for the SAC to talk for approximately 30 or 40 minutes on the FBI.

The Bureau will be furnished in the near future with the remarks which the SAC intends to make at this meeting.

Mr. [redacted] commented that they were expecting a total registration at this meeting of 1,000 members of the bar. He does not know how many members will be in attendance at the section meeting which the SAC will address.

(2) - Bureau  
1 - Memphis

FCH:RSV  
(3)

REC-15  
EX-124

15 OCT 29 1959

NOTED  
per

OP-7  
BY CRIME REC.

4-97  
FBI - MEMPHIS

53 NOV 3 1959

## Office Memorandum

• UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 10/28/59

FROM : Q. Tamm

SUBJECT: AMERICAN BAR ASSOCIATION/ANNUAL MEETING AUGUST, 1959  
PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY,  
LAW AND LAYMEN'S CONFERENCES  
SPONSORED BY JUDICIAL ADMINISTRATION SECTION  
8/24, 25/59

Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Parsons  
Rosen  
Tamm b6  
Trotter b6  
W.C. Sullivan b7C  
Tele. Room  
Holloman  
Gandy

The Executive Assistant to the Attorney General has referred to the Bureau for preparation of a draft acknowledgment for signature of The Assistant to the President a letter dated 10/19/59 addressed to the President from [redacted] Jr., Counsel for "Police Conference," an organization composed of police organizations in the cities, counties, towns, and villages of the State of New York. The Bureau indices show nothing derogatory regarding this organization or [redacted]. One reference in the Bureau's files reflects an invitation to the Director 2/16/56 to be a guest speaker at their state convention which was declined. A Crimdel airtel from Buffalo dated 8/21/58 reports [redacted] is a Buffalo criminal attorney who has been prominent in recent years as a criminal defense attorney and frequently represented Bureau subjects who were defendants in Federal court. [redacted] was named in August, 1958, to the Board of Directors of the newly formed National Association of Defense Lawyers in Criminal Cases.

[redacted] letter to the President merely expresses appreciation for the invitation to attend meetings of the Committee for Traffic Safety which were held as a part of the American Bar Association meeting. He states the membership of the Police Conference is in sympathy with the thoughts and experiences presented by the President and Justice Clark of the Supreme Court to the effect that "Our average citizen receives his first impression of our judicial system from attending traffic court"; that his organization feels strongly that a police profession and our judicial system are closely interwoven and a lack of efficiency and dignity in either one directly affects the other; accordingly, they feel that "not only all courts should be conducted by qualified judges, but all police duties be conducted by professionals only." He concludes his letter by offering the unqualified assistance of the Police Conference to the President personally and to the American Bar Association or any other committee dedicated

Enclosure 2, 10-29-59  
1 - Mr. DeLoach  
1 - Mr. J. S. Rogers

HLE:jsp

(4)

53 NOV 6 1959

REC- 98 94-1-369-1808  
EX-133 14 OCT 30 1959

CRIME REC.

Memorandum to Mr. Tamm  
Re: American Bar Association Annual Meeting  
August, 1959  
President's Committee for Traffic Safety

to improve not only our judicial but our police systems stating "respect for the court as well as respect for the policeman, is a necessary part of our way of life."

The President, of course, did not appear at the Conference at Miami, but the Committee for Traffic Safety is known as the President's Committee. Justice Clark was accompanied by Justices Brennan and Stewart. Justice Clark addressed the special assembly and stated the traffic court is the most important court in the judicial system because it is the one with which the general public is most familiar; that the work of the traffic court and the impression it makes on the general public are vitally important as the entire judicial system may be judged through the eyes of the traffic court. He called for the judges to serve with dignity and honor. His address was preceded by a special ceremony in which the several newly elected Dade County Metro court traffic judges were robed by the Supreme Court Justices. Justice Brennan reiterated in substance the remarks made by Justice Clark. Both repeated their comments in a general discussion session at a luncheon held after this ceremony. Both this meeting and luncheon were attended by a Bureau representative.

Although [redacted] makes reference to an invitation extended to him from the President, it is noted that the general membership of the American Bar Association received individual invitations to attend sessions of the Conference sponsored by the President's Committee. It is believed no personalized invitation was extended to [redacted] by the President.

RECOMMENDATION:

That the attached proposed draft of a letter for signature of The Assistant to the President be forwarded to the Executive Assistant to the Attorney General.

*V. S. [initials]  
10/14/64*

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 11/4/59

FROM : SAC, Memphis (80-12-3558)

SUBJECT: SOUTHERN REGIONAL MEETING,  
AMERICAN BAR ASSOCIATION,  
MEMPHIS, TENNESSEE, 11/12-14/59  
SPEECH MATTERb6  
b7C

Remylet 10/21/59. 94-1-369

Attached is a copy of my proposed remarks before the Southern Regional Meeting of the American Bar Association in Memphis on November 12, 1959.

UACB by 11/10/59. 10 copies of these remarks will be furnished to Mr. [redacted] Director of Public Relations of the American Bar Association, in compliance with his request.

2 - Bureau (Encls. 1)  
1 - Memphis

FCH:RSV  
(3)

ENCLOSURE

EX- 100

REC. 98

94-1-369-120

NOV 12 1959

REC'D  
FBI MEMPHIS  
NOV 17 1959  
CRIME REC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: November 3, 1959

FROM : Q. Tamm

SUBJECT: JOHN D. RANDALL, PRESIDENT  
AMERICAN BAR ASSOCIATION (ABA) National  
PRESENTATION OF ABA MEMBERSHIP  
CERTIFICATE TO THE DIRECTOR

Tolson  
Belmont  
DeLoach  
McGurn  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Holloman  
Gandy

Concerning the Director's notation on my memo this morning that it would be satisfactory to have the ABA Membership Certificate presented immediately after the Director introduces Mr. Randall and prior to Mr. Randall's formal speech, providing it is satisfactory to Mr. Randall, this is to advise that Edwards contacted the Director of the Washington office of ABA, Mr. [redacted] because of the unavailability of Mr. Randall and [redacted] stated that he was positive this arrangement would be satisfactory and that we could go on that basis and that he would confirm same with Randall.

1 - Mr. DeLoach  
1 - Telephone Room

HLE:mbk

(4)

HLE  
Wise X.  
Tamm  
et al.

15 NOV 5 1959

194-1-369-  
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46 NOV 29 1959

PERS. FILES

b6  
b7C

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## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tamm

FROM : H. L. Edwards

SUBJECT: JOHN D. RANDALL, PRESIDENT  
AMERICAN BAR ASSOCIATION  
NATIONAL ACADEMY GRADUATION  
64th SESSION

DATE: November 2, 1959

Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Holloman  
Gandy

On Sunday evening, 11-1-59, I met John D. Randall, President of the American Bar Association (ABA) at the National Airport on his arrival from Chicago and drove him to the Statler-Hilton Hotel and helped him check into his suite. A number of matters were discussed with him regarding his scheduled participation in the National Academy graduation services 11-4-59, as well as ABA business, and these are being summarized for the Director's information and action, where necessary.

1. Presentation to Director of ABA membership certificate:

Mr. Randall volunteered that he and everybody at the ABA Headquarters at Chicago are "tickled" that the Director has joined the ABA. I replied that I knew the Director was looking forward to receiving the certificate from Mr. Randall, and then I inquired as to what he had in mind insofar as the presentation was concerned. He immediately stated that he had planned to make the presentation at the graduation exercises. He asked me whether I thought that would meet with the Director's approval. I told him I could not speak for Mr. Hoover, but I would call it to Mr. Hoover's attention and in the meantime he could let the matter rest on that premise.

Mr. Randall is like a "boy with a new toy" in anticipating presenting this certificate, and my recommendation would be that the Director agree to receive it at the graduation exercises. It should take only a moment, and if the Director agrees to this, a very brief statement acknowledging acceptance will be prepared for the Director's use.

1 - Mr. DeLoach  
1 - Mr. Belmont  
1 - Mr. J. S. Rogers  
HLE:mbk  
(6)

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100 NOV 13 1959

2, NOV 12 1959

TWO

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Memorandum to Mr. Tamm  
Re: John D. Randall, President  
American Bar Association  
National Academy Graduation  
64th Session

2. Mr. Randall's Draft of Remarks at Graduation

Mr. Randall told me he had worked intensively on his proposed speech, that it was being typed up at ABA Headquarters in Chicago, and that 25 or 30 copies of same should be received in Washington at the latest by Tuesday morning, 11-3-59. He told me he would call me as soon as they arrived, and I could have as many copies as I desired. I will follow through on this. I asked him about the general theme, and he said he has been supplied with considerable material concerning past graduations, and had followed their general tenor. He said, "Of course, I would make a quite different talk to a group of lawyers or FBI Agents, but I realize that this class is composed of law enforcement officers of varied ranks, and I have tried to tailor it to them."

3. Mr. Randall's Other Commitments in Washington and Duration of Stay:

Mr. Randall told me he will check out of the hotel Wednesday afternoon, 11-4-59, flying back to Chicago. He said he is scheduled to fill an Illinois speaking engagement for Attorney General Rogers next Friday night because the Attorney General's doctor would not let him take it.

On Monday, 11-2-59, Mr. Randall will attend the President's Conference on Inflation, at which about 50 groups will be represented, one of which is the ABA.

Mr. Randall also said he wants to see Chief Justice Warren and Secretary of State Herter. This is in connection with working out some of the passport and protocol problems in connection with the fact that the British are the invited guests of the ABA at the 1960 Annual Meeting of the ABA, scheduled for Washington, D. C., August 29 - September 2, 1960.

4. Agreement Between Special Committee on Individual Rights as Affected by National Security and Special Committee on Communist Tactics, Strategy and Objectives:

Memorandum to Mr. Hamm  
Re: John D. Randall, President  
American Bar Association  
National Academy Graduation,  
64th Session

Mr. Randall told me he had succeeded in satisfactorily resolving the differences which existed between the Special Committee on Individual Rights as Affected by National Security and the Special Committee on Communist Tactics, Strategy and Objectives. By way of background, it will be recalled that these two committees had been requested by the ABA to try to reach a meeting of minds on two problems: (1) restrictions on issuance of passports, and (2) regulating "nonsensitive" Federal Government positions under the Employees Security Program. Being unable to reach an agreement, each of the committees filed separate reports at the annual meeting in Miami this year. The report and recommendations of the Committee on Communist Tactics, Strategy and Objectives (this is the Peter Campbell Brown Committee) were in line with the Bureau's interest and thinking. The House of Delegates of the ABA voted to continue both committees with special instructions that they hold a joint meeting with a subcommittee of the ABA Board of Governors for the purpose of recommending a joint report to the meeting of the Board of Governors 10-29-59.

b6  
b7C

Mr. Randall told me that he appointed the subcommittee and gave instructions that he wanted a satisfactory report agreed upon so that they would avoid risking further controversy in the newspapers. He stated that the joint report as reached is quite satisfactory and it goes along the lines of the Brown Committee's original recommendations. Mr. Randall stated that he will have copies of the joint statement sent to him from Chicago, and upon arrival later this week he will make available to me one of the copies. I will follow through on this matter.

The Director will also be interested to learn that Mr. Randall told me he had appointed [redacted] of Orange City, Iowa, as the new Chairman of the Peter Campbell Brown Committee. He asked Brown to continue as Vice Chairman. He said this will give desirable continuity to the Committee and at the same time place at its head a Mid-Westerner of conservative views whom he knows will be able to control. Randall said it will also be beneficial in removing from the Committee head the possibility of criticism from some quarters that the Committee is heavy with some of the men of FBI or Department of Justice leanings. He stated that, of course, Mr. Nichols will continue with the Committee.

Mr. Randall indicated that he has also removed Arthur J. Freund from the Bill of Rights Committee. He stated that Freund is unpredictable and sometimes gets wrapped up in his own philosophy.

Memorandum to Mr. Tamm  
Re: John D. Randall, President  
American Bar Association  
National Academy Graduation,  
64th Session

5. Intensified Bureau Activity in the American Bar Association:

Mr. Randall expressed the hope that now that the Director is becoming a member of the ABA he might be interested in becoming personally active in some phases of it. I told Mr. Randall that, as he well knew, the Director was extremely busy and that one of the reasons that he abstains from joining a number of organizations is because of his general philosophy that he does not like to become a "joiner" unless he can contribute a degree of active participation in the group's affairs. However, I stated that with regard to the ABA the Director has always been vitally interested in its activities, particularly in those matters where there is such a mutuality of interest. I said I doubted whether the Director would be able to actively and directly participate any more than he has in the past but that through the designated liaison representative the Director keeps very close tabs on matters of mutual interest.

b6  
b7C

Mr. Randall said he thoroughly understood and could appreciate this. He indicated he knows of the Director's interest in the problem of juvenile delinquency which he stated is primarily handled by the Family Law Section of the ABA. Edwards told Mr. Randall that he is a member of the Family Law Section (in addition to being on the Council of the Criminal Law Section). Mr. Randall then stated that he would like to work Edwards into some committee work in the Family Law Section and at the regional meeting of the ABA in Memphis 11/12 - 14/59. Mr. Randall said he will arrange for a get-together between Edwards and the Chairman of this section, [redacted] and work something out. He said that [redacted] impresses him as not having too firm a grasp on the over-all objectives of the Family Law Section and Mr. Randall feels this section is a very vital one because of the problem of juvenile delinquency.

Unless advised to the contrary, Edwards will pursue this matter with Mr. Randall.

RECOMMENDATIONS:

1. That the Director agree to permit Mr. Randall to present the Certificate of Membership in the ABA during the graduation exercises.

*J. Edwards*

*g*

*V*

*V*  
OVER.

Memorandum to Mr. [redacted]  
Re: John D. Randall, President  
American Bar Association  
National Academy Graduation,  
64th Session

2. That Edwards be authorized to assist Mr. Randall in any way possible during his stay in Washington through Wednesday by making available to him, if needed, the use of a car and driver, et cetera.

*Edwards*

*J*

3. That Edwards be authorized to pursue with Mr. Randall his interest in getting Edwards into some committee work with the Family Law Section during the forthcoming regional meeting in Memphis.

*✓ Edwards*

*P*

*CHH*

74-1-361  
The Attorney General

October 28, 1959

Director, FBI

PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY  
MEETING IN MIAMI BEACH, FLORIDA  
AUGUST 24, 25, 1959  
AMERICAN BAR ASSOCIATION

Referring to the transmittal memorandum of October 26, 1959, from Executive Assistant to the Attorney General John F. Cushman which enclosed a letter of October 19, 1959, to the President from [redacted] [redacted], Counsel and Secretary-Treasurer of the Police Conference, State of New York, I am submitting herewith a draft of a proposed reply for the signature of The Assistant to the President as requested.

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b7C

I am also returning herewith the letter in question together with the White House Office Route Slip which was attached.

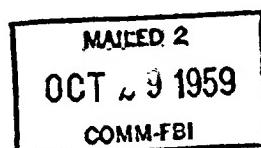
Enclosures (3)

1 - Mr. Lawrence E. Walsh  
Deputy Attorney General

OCT 28 4 30 PM '59

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(5) *jep*

Cover memo Q. Tamm to Mr. Tolson 10/28/59 re  
American Bar Association Annual Meeting, August, 1959,  
President's Committee for Traffic Safety, Law and Laymen's  
Conferences, Sponsored by Judicial Administration Section,  
8/24, 25/59; HLE:jsp

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGraw \_\_\_\_\_  
Mohr \_\_\_\_\_  
Patterson \_\_\_\_\_  
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Tamm \_\_\_\_\_  
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W.C. Tolson \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
McNamee \_\_\_\_\_  
Gandy \_\_\_\_\_

ENCLOSURE

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94-1-369-1209

"THE CHALLENGE OF LAW"

Our Director, Mr. J. Edgar Hoover, extends to you his greetings and very best wishes for a most successful Regional Meeting of the American Bar Association. He also sends his appreciation for the assistance rendered the FBI by the American Bar Association in the past. Whatever success the FBI has achieved is largely due to the splendid cooperation and assistance of the citizens of America and such organizations as yours. We are proud to have you on our team.

The FBI has a very close kindred relationship with the lawyers of America. It is from your ranks that we draw principally the Special Agents of our organization. A very large proportion of our personnel is comprised of members of the state bars of the nation, and a large number of our Agents are members of the American Bar Association. We are proud to be members of the legal profession and we are proud to be members of the law enforcement profession.

When a young man completes his legal education and embarks upon a career as a lawyer, he solemnly takes an oath similar to that taken by a newly appointed Special Agent of the FBI - an oath to support the Constitution of the United States and to demean himself in such a manner as to uphold the integrity and reputation of his profession. The basic principles of the two oaths are the

same, just as is the status of the two professions in the courts of the land. As each lawyer is an officer of the court dedicated to justice for all who come before it, so are the men of the FBI so dedicated and charged. The lawyer and the Special Agent of the FBI have the identical purpose and goal - that justice must always triumph. Every Special Agent of the FBI receives intensive training in fundamental requirements of the law and the proper, efficient and objective discharge of his responsibilities under the law.

When Mr. Hoover was appointed Director over 35 years ago by the then Attorney General Harlan F. Stone, later Chief Justice of the United States Supreme Court, his first act was to call together all key personnel of the FBI and address them with these words among others:

"I took the position on one condition; that the Bureau would be free of politics and would be operated on a merit basis. How soon will that start? Today! That means the Bureau will operate solely on efficiency - with trained lawyers, accountants, technicians, and clerks. The working day will be 24 hours if necessary. This Bureau will be dedicated not merely to justice - but to the love of justice. It will take all of your vigilance, patience, and loyalty. It will require compassion and valor. And it will mean sacrifice - much sacrifice - for you and members of your family. In the end, it will offer you only one reward. You

"may not die rich men, but you will die men dedicated to the qualities of fidelity, bravery and integrity."

That was the beginning of the FBI. That is your FBI today, and its dedicated men and women assure you that will always be your FBI.

The Director has always unequivocally insisted that the inherent rights of individuals as members of the human race, as well as their rights as citizens of this great nation, must always be paramount in all activities of the FBI. Just as much effort, time and enthusiasm <sup>are</sup> expended in proving innocence as in proving guilt, no matter what a person's rank or station in life.

This great republic was founded and has grown on the cardinal principle of the dignity of man. It can never stand unless that principle is safeguarded. The dignity of man and the rights of man in our democratic society, however, must never be construed as the exclusive rights of the accused. The accuser and society are endowed with these sacred rights also. The late Justice Benjamin N. Cardozo of the U. S. Supreme Court sagaciously said: "But justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained 'till it is narrowed to a filament. We are to keep the balance true."

The FBI and local and state law enforcement stand shoulder to shoulder with the members of the legal profession to assure that the great truth in that pronouncement shall never dim in the ears of all true Americans.

It was shortly after being appointed Director that Mr. Hoover resolved that the future of America depended upon law enforcement assuming a position in America of a recognized and respected profession. He also realized that with such status went certain responsibilities. The rubber hose, the torture screws, and the glaring interrogation lights had to give way to intelligent scientific crime detection and the dignity of the law.

As a result, the FBI Identification Division came into being as the national clearing house of identification records based on the infallibility of fingerprint identification. Today there are over 153 million sets of fingerprints on file with over 20 thousand received daily. Over 15,000 fugitives from justice are located each year for local law enforcement agencies through the operation of the FBI Identification Division. Throughout the nation, expert technicians of the FBI testify in the courts as to their findings in matters pertaining to the exact science of fingerprints.

At 4:00 p.m., on November 8, 1956, a 75-yr. old Philadelphia realtor was in his office with his wife when a young man entered ostensibly to inquire about renting an apartment. He desired to wait in the office for the arrival of his wife. At 5:30 p.m., as the office was about to close, the supposed client suddenly drew a gun and announced, "This is a stickup." As the bandit advanced on the realtor's elderly wife, her husband picked up a

chair and sprang to her aid. The robber fired and the realtor fell fatally wounded. After striking the woman on the head with the gun, knocking her to the floor, the gunman ransacked the office safe and desk, and fled through the front door. In conducting an investigation into the crime, several latent fingerprints were found at the scene of the crime. Two suspects were developed, the first of which was placed in a lineup where the injured woman victim identified him as the murderer of her husband. An examination conducted by the FBI disclosed, however, that the first suspect was not guilty of this heinous crime as the fingerprints did not match the latent fingerprints which were found at the crime scene. However, the second suspect who had not been identified by witnesses was charged as the murderer when a latent fingerprint found on a light switch in the real estate office was identified as having been made by his left index finger. The exact science of fingerprinting had proven again not only the innocence of a person charged with crime but the guilt of the one responsible.

The test tube, the microscope, the spectrograph and other instruments of science soon outmoded the crude and unreliable means of crime detection, and in the courts throughout our land it has become commonplace to see and hear the scientists of the FBI testifying without cost to local or state governments as to the results of their findings in the crime laboratory in Washington. The questions of cross examination are as welcome as those of direct examination - the proof of innocence just as cherished and

sought after as the proof of guilt.

Recently, a man was arrested and charged with murder. All the evidence pointed toward his guilt, including a likely motive and blood splattered clothing, which was sent to the FBI Laboratory. Shortly, a report was wired to the interested authorities, confirming the fact the clothing contained blood. But instead of being human blood, it was really deer blood as the accused had claimed. An innocent man was freed.

In another instance, a Chief of Police submitted a forged check and the known handwriting of a suspect whose trial had been set within the next 30 days. However, an examination in the FBI Laboratory's Document Section disclosed that the forged check was not written by the person whose trial had been set, but had been written by another individual who was at that time serving a sentence in the U. S. Penitentiary, Atlanta, Georgia. Again, the FBI Laboratory had not only proven the innocence of one who faced trial but the guilt of the true law violator.

Another instance in which the FBI Laboratory played a prominent part in justice was that involving a hit and run case in which a 5-yr. old boy was struck and killed by a reckless driver. The clothing of the victim was submitted to the FBI Laboratory for examination, and although the clothing was rain drenched the FBI Laboratory was able to determine through examination that paint found on the lad's clothing consisted of eight layers of paint, the outer layer consisting of a bright purple metallic enamel

followed by a black primer and a very light blue enamel. When this information was furnished to the local police department, a search was immediately instituted for all purple colored vehicles in the city. A 1946 purple Cadillac was located. An examination of this automobile disclosed that the driver of the automobile had recently purchased the vehicle and at the time of its purchase it was a robin's egg blue in color, but about two days prior to the accident he had repainted the automobile purple. The driver of the automobile was arrested and brought before the bar of justice.

One of the most notable steps taken by the Director in his determination that law enforcement be respected as a profession was the establishment of the FBI National Academy - the West Point of law enforcement. Since its inception in 1935, over 3800 local law enforcement officers have been trained to become police administrators and police instructors. These officers receive intensive training similar to that given Special Agents of the FBI, including Constitutional law and civil rights instruction, court room demeanor, investigative techniques and procedures, and scientific crime detection, among many other courses. The main theme throughout this training is the Director's high ideals of law enforcement as a profession, and the responsibilities of law enforcement to the public.

In addition, last year the FBI participated in over 2500 local police training schools throughout the nation. In these

training programs the latest scientific crime detection techniques are taught local law enforcement officers in your communities.

The FBI and the dedicated local and state law enforcement agencies of the nation stand shoulder to shoulder with the legal profession in the enforcement of the laws that have been placed on the statute books for the protection, welfare and government of society. As Samuel Johnson said: "The law is the last result of human wisdom acting upon human experience for the benefit of the public." And as William Pitt declared, "Where law ends, there tyranny begins."

Abraham Lincoln implored the American people: "Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, and the grave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars."

While our great nation is desperately fighting for its very life in the international arena, we are faced with a grim and deadly menace in our midst on the home front. The criminal and lawless element in our society in their determination to make

a mockery of decency and law and order is a real dagger pointed at the very heart of our nation.

Last year over 2,340,000 people were arrested in America. Crime increased 9.3% over the previous year. A serious crime was committed every 20.3 seconds; a burglary every 46.4 seconds; a robbery every 7 minutes; a rape every 36.1 minutes; and a murder every 64.2 minutes.

It has been estimated that crime annually costs the nation a total of 22 billion dollars, or \$128 for each man, woman and child, or \$506 for each and every family. For each \$1 spent on education each year, crime costs \$1.11. For each \$1 contributed to churches, \$12 are contributed to crime.

This is indeed a shameful picture. With the current moral upheaval in our society, what can we expect of the future? Our newspapers daily carry the answer in the form of blazing headlines of youthful crime on the rampage: torture - sadism - murder - gang warfare.

Although it has been estimated approximately 95% to 97% of our teenagers are decent, law-abiding citizens, we must face up to the fact that last year boys and girls under 18 years of age represented 12.1% of all persons arrested. Boys and girls under 18 years of age represented 64.1% of all those arrested for auto theft; 49.9% of those arrested for burglary; 48.5% for larceny; and 22.8% for robbery.

Some of our apathetic and unconcerned adults claim most of these youthful crimes are nothing more than youthful pranks. But are they? Recently, Bob, age 17; Lou, age 15; and Ted, age 17, spent the early part of one evening drinking. They had been driving around the city and, while driving, they noticed a youth hitchhiking. Conspiring to lure the young hitchhiker into the auto and then rob him, the trio offered the boy a ride. Once he was in the car, the group proceeded into the desert where the hitchhiker was asked to turn over his money. However, he informed his captors that he had no money. Becoming infuriated, the three boys began to beat their victim severely. The boy then was ordered to remove his clothing and directed to lean over a fender of the car. Using their heavy leather belts, the three beat him, causing large welts and sores from his ankles to his neck. The three thugs then used their fists to pummel the boy, and each time he fell to the ground, he was stomped and kicked by the footgear of his assailants. The victim was then subjected to mayhem and he was dragged across the ground. His clothes were stacked in a pile and set afire, and while the fire was burning, the victim was dragged through the flames and his face was held in them. Believing their victim was dying, the three "monsters" departed, leaving him unconscious, naked, burned and bleeding. After his assailants had gone, the victim was able to crawl to a road where he signaled a passing auto.

Unfortunately, such heinous and vicious crimes by youths are not uncommon. And contrary to the belief of many, no community, no social strata, no economic level, has escaped these tragedies.

Law enforcement cannot stand alone in this crisis. The American public must stand shoulder to shoulder with the under-manned and overburdened law enforcement authorities.

Our Director has expressed firm conviction that there is an urgent need for an all-out campaign now against vicious young criminals committing serious crimes, including the publishing of the names of such offenders in our newspapers and other news media as a deterrent to youthful criminals and others, as well as a means of identification for the sake of decent boys and girls in the community and neighborhood. He feels there is a need for the availability of past criminal records for the aid of law enforcement officers and the fingerprinting of young hoodlums for further identification. Parents, who by bad influence, indifference or lust for material gain, have failed in their obligation to their children, deserve to face legal and financial responsibility for the acts of their children. The time has also come for serious consideration to be given to lowering the age distinction between juvenile and adult violators. We are dealing with vicious young criminals who are committing adult crimes and they should be dealt with as adults. The choice has been theirs.

Never before in our history has there been such an urgent need for there to be some positive action taken to stop the cancerous growth of moral decay in our society. Greed, selfishness, materialism and expediency have spread all too rapidly. Morality and decency have too long been relegated to the background. The time to take action is now - but it must spring from the hearts and the minds of our people.

The dedicated men and women of the FBI are not unmindful of the great American heritage devised to us by those who have gone before and who made this nation great. Our cherished liberties and freedoms must never be whittled away by the lawless elements. With the support and assistance of the law-abiding citizens and such organizations as the American Bar Association, we will continue to carry the battle against the common enemy wherever he might be found. With your continued help, neither the battle nor the war will be lost. The laboratory experts, the fingerprint technicians, the Special Agents, the officials, and other dedicated men and women of the FBI are answering the challenge of crime and lawlessness. By the grace of God and your help, we will win.

## Office Memorandum

• UNITED STATES GOVERNMENT

TO : Mr. DeLoach

FROM : M. A. Jones

SUBJECT: PROPOSED ADDRESS BY  
 SAC FRANK C. HOLLOMAN  
 MEMPHIS, TENNESSEE  
 BEFORE THE SOUTHERN REGIONAL  
 MEETING, ABA  
 MEMPHIS, TENNESSEE  
 NOVEMBER 12 - 14, 1959

DATE: November 6, 1959

*H. L. Edwards*

Tolson	_____
Belmont	_____
DeLoach	_____
McGuire	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

By letter to the Director of 11-4-59, the SAC, Memphis, enclosed a copy of his proposed remarks before the captioned meeting in Memphis which he will deliver on November 12. The title of his address is "The Challenge of Law."

His remarks have been reviewed in the Crime Research Section and no information that would reflect unfavorable on the Bureau was noted. His statistics are current and correct.

There is no action to be taken by the Bureau as the SAC stated that copies of his talk would be made available to the Director of Public Relations of the ABA on Tuesday, November 10, unless contrary advice was received from the Bureau.

RECOMMENDATION:

That this speech be referred to Inspector H. L. Edwards as a matter of interest in connection with his representation of the FBI at the Southern Regional Meeting of the ABA.

1 - Mr. Edwards

JK:sic  
(3)

REC-77

EX 104

94-1-369-  
JL

11 NOV 12 1959

CRIME RESEARCH

NOTED  
*hey*

62 NOV 17 1959

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11/10/59

FROM : Q. Tamm *88*SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG) *88*

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm *✓*  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

*11/10/59 RDS  
JHM*

Inspector H. L. Edwards is the Bureau's designated liaison representative with both the ABA and the NAAG. During his assignment in the Crime Records Division research files on these organizations were established and maintained for his use in that Division. Due to his current assignment in the Training and Inspection Division, it would be more feasible to maintain these files in that Division. Mr. DeLoach agrees.

RECOMMENDATION:

Unless advised to the contrary, these research files will be transferred from the Crime Records Division to the Training and Inspection Division.

HEH:mas  
(5)

1 - 94-1-369

1 - Mr. DeLoach

REC-38  
EX-133  
11/10/59  
1 auto copy  
94-1-369-12211  
NOV 13 1959

58 NOV 1959

UNRECORDED COPY FILED IN  
62-59475-  
*7*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

~~CONFIDENTIAL~~

DATE: 11/9/59

FROM : Q. Tamm

SUBJECT: LETTER TO THE ATTORNEY GENERAL  
FROM JAMES P. LUCAS, COUNTY ATTORNEY  
MILES CITY, MONTANA, DATED 10/30/59

~~Handled Class 1~~  
~~NO. 1 C.G.~~  
~~See Top~~  
~~Form 1-770~~  
~~100-1000~~  
~~W. 1000~~  
~~Tele. Room~~  
~~Holloman~~  
~~Gandy~~

✓

*Q14*

**BACKGROUND:** John F. Cushman, Executive Assistant to the Attorney General, has forwarded to the Director a letter dated 10/30/59 from James P. Lucas, County Attorney Miles City, Montana, to the Attorney General in which Lucas makes reference to a communication received by him entitled "Corrosion in the American Bar Association" distributed by Marah, Inc., Box 2223, Palm Beach, Florida. Lucas continued "The pamphlet contains some interesting comments concerning the American Bar Association, its president-elect Whitney North Seymour and yourself. I am sure that you have seen the pamphlet and I am writing simply to satisfy my own curiosity. Can you advise me as to what and who Marah, Inc. is and any other information you might have about this particular organization? P. S. I note also that there is a strong inference throughout the pamphlet that Mr. Seymour's background with regard to Communist front organizations leaves much to be desired. Would you care to make any comment concerning this item?"

*184-1369*

Mr. Cushman states he would appreciate any ~~NOT RECORDED~~ information the Director may have as to how Cushman may answer Lucas' ~~184-1369~~ as Cushman knows, the Attorney General has not seen the pamphlet referred to although the Attorney General has seen the Director's memo of ~~9/22/59~~ ~~184-1369~~ ~~10/30/59~~ to Whitney North Seymour. The yellow copies of these memos are attached.

**DATA RE LUCAS:** The sole pertinent information in Bufiles identifiable with Lucas is contained in General Investigative Intelligence File reports from Butte reflecting that Lucas has condoned houses of prostitution in Miles City, Montana, (62-75147-7-104) This was in December, 1954.

**DATA RE 'CORROSION IN THE AMERICAN BAR ASSOCIATION' AND MARAH, INC.:** Bufiles contain no record of the pamphlet entitled "Corrosion in the American Bar Association."

In October, 1958, and September, 1959, it was reported that Marah, Inc.,

Enclosures (3) *see* *313/927*  
HEH:sjw

(4)

*AS*  
1 - H. L. Edwards (with enclosures (2))

*62 NOV 19 1959*

Classified by 9803 add/mar  
Declassify on: QAD 317,796

2 NOV 13 1959

*X-X*  
TWO CRIME REC

100-1000

ORIGINAL COPY FILED IN 100-191389-12

Memorandum to Mr. Tolson  
Re: Letter to the Attorney General from  
James P. Lucas, County Attorney,  
Miles City, Montana, Dated 10/30/59

[redacted] was owned by [redacted] [redacted] is known to publish at intermittent intervals an anti-Jewish, anti-Negro, and anticomunist pamphlet entitled " [redacted]" [redacted]

DATA RE WHITNEY NORTH SEYMOUR: Seymour is the president-elect of the American Bar Association (ABA) and will in all likelihood be the next president of the ABA. As the attached memos indicate, Seymour has a record of past affiliation with numerous organizations cited as subversive. [The only pertinent information in Bufiles since these memos re Seymour reflects that a technical source advised on 4/22/59 that

[redacted] the well-known socialist, contacted [redacted] [redacted] currently serving a 4-year sentence for contempt of court. Efforts were being made to release [redacted] and [redacted] stated that [redacted] would take immediate action and contact important people. Included among the persons [redacted] was intended to contact was Whitney North Seymour. This information was disseminated to Gordon Gray of the White House and to the Attorney General on 4/28/59 (Kc)

OBSERVATIONS. Inspector H. L. Edwards and SA H. E. Hoxie have been approved by the Director to attend the regional meeting of the ABA at Memphis November 12-14, 1959. Both are aware of this communication and will be alert to determine further data re this pamphlet of possible interest to the Bureau. Mr. Edwards checked with the director of the Washington office of the ABA who stated he has no current information re this pamphlet.

RECOMMENDATION: That the attached memorandum be sent to Mr. Cushman advising of pertinent data in Bufiles and suggesting that reliance be placed upon the confidential nature of information in Departmental files.

10/30/59  
- 2 -

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

NOV 12 1959

TELETYPE

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Tele. Room
Mr. Sullivan
Mr. Holloman
Miss Gandy

URGENT 11/12/59 723 PM CL

TO DIRECTOR, FBI

FROM INSPECTOR H. L. EDWARDS

AMERICAN BAR ASSOCIATION REGIONAL MEETING, MEMPHIS, TENN.

THIS IS SUMMARY OF FIRST DAY-S ACTIVITIES. THERE WERE NO DIRECT~~S~~ OR INDIRECT REFERENCES TO FBI IN ANY OF THE PROCEEDINGS. APPROXIMATELY ELEVEN HUNDRED ABA MEMBERS REGISTERED.

OPENING ASSEMBLY FEATURED ADDRESSES BY ABA PRESIDENT JOHN D. RANDALL AND SEN. J. WILLIAM FULBRIGHT, CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE. RANDALL EMPHASIZED CURRENT LEGAL PROBLEM IN CLARIFYING AND TIGHTENING ADMINISTRATIVE PROCEDURES ACT OF NINETEEN FORTYSIX IN ORDER TO REMOVE AREAS OF DISCRETION WHEREBY FEDERAL AGENCIES HAVING ADMINISTRATIVE HEARINGS AND SIMILAR DEALINGS WITH PUBLIC CONTINUE TO WITH-

HOLD MANY OF THEIR RULES OF PROCEDURE AND GENERAL POLICY,

RECEIVED NOV 12 1959  
REC-90 94-1-369-1212  
THUS IMPOSING HARSHSHIP ON LAWYERS HAVING DEALINGS WITH THEM

BECAUSE IT CREATES "STAR CHAMBER" SITUATION. RANDALL CITED

ONE EXAMPLE INVOLVING IMMIGRATION AND NATURALIZATION SERVICE

58 NOV 20 1959 QD

Mr. Tamm

MR. DELOACH

TWO  
CRIME REC.

PAGE TWO

WHERE INS COMMISSIONER WITHHELD PROCEDURAL AND POLICY MANUALS ON GROUNDS THEY RELATED TO INTERNAL MANAGEMENT AND WERE INTENDED FOR GUIDANCE OF EMPLOYEES AND NOT FOR PUBLIC.

RANDALL URGED ALL LAWYERS TO SUPPORT ABA ENDORSEMENT OF SENATE BILL NO. ONE ZERO SEVEN ZERO, WHICH IS ONE OF SIX PENDING BILLS DESIGNED TO CORRECT SITUATION. SEN. FULBRIGHT EMPHASIZED NEED FOR AMERICAN PUBLIC TO OVERCOME PRESENT FEELING OF SELF-COMPLACENCY AND APATHY CONCERNING COMMUNIST THREAT. FULBRIGHT REFERRED EXTENSIVELY TO KHRUSHCHEV'S VISIT AS VIVID PROOF OF THE INCREASING CHALLENGE PRESENTED BY COMMUNISM. ALSO CITED FIGURES SUPPORTING TREMENDOUS STRIDES MADE BY COMMUNISM AS ADDITIONAL REASON FOR AROUSING AMERICAN CONCERN. FULBRIGHT PLEADED FOR AMERICANS TO SUBORDINATE INDIVIDUAL PREJUDICES IN FAVOR OF A SOLID, UNIFIED FRONT AGAINST COMMUNISM. TRAFFIC COURT PROGRAM FEATURED RAYMOND BURR, THE PERRY MASON OF TV, WHO ADVOCATED STRONG, ACTIVE PUBLIC RELATIONS PROGRAM BY LAWYERS DIRECTED TOWARD IMPROVING ADMINISTRATION OF TRAFFIC COURT JUSTICE BY EDUCATING PUBLIC AGAINST CURRENT TENDENCY TO FORFEIT COLLATERAL IN TRAFFIC

PAGE THREE

CASES RATHER THAN DEFEND CASE AND BY BRINGING ABOUT BETTER QUALITY OF MAGISTRATES AND JUDGES. HE EMPHASIZED TRAFFIC VIOLATIONS CONSTITUTE ONLY CONTACT APPROXIMATELY EIGHTYFIVE PER CENT OF AMERICAN PUBLIC WILL EVER HAVE WITH COURTS. LABOR RELATIONS LAW SECTION WAS DEVOTED TO EXAMINATION OF RECENTLY ENACTED LABOR BILL. ISSUES DISCUSSED WERE PRIMARILY TECHNICAL AND DID NOT CONCERN PRESENT OR POTENTIAL PROBLEMS OF INTEREST TO BUREAU. REMAINING ACTIVITY INVOLVED JUNIOR BAR CONFERENCE PROGRAM WHICH FEATURED ADDRESS BY SAC HOLLOWMAN REVIEWING RESPONSIBILITIES AND COOPERATIVE SERVICES OF BUREAU AND EMPHASIZING CURRENT CRIME STATISTICS AND JUVENILE DELINQUENCY. SPECIFIC MENTION MADE OF CLOSE WORKING RELATIONSHIP AND MUTUALITY OF INTEREST BETWEEN BUREAU AND ABA. SPEECH RECEIVED EXCELLENT RESPONSE AND NEWS PUBLICITY. ON SAME PROGRAM WAS TALK BY A PRIVATE LOCAL HANDWRITING EXPERT, [REDACTED] EXPLAINING AND DEMONSTRATING VISUAL AIDS IN COURTROOM. HIS REMARKS CONFINED EXCLUSIVELY TO CIVIL MATTERS. HE DEMONSTRATED AN ALREADY KNOWN AND COMMERCIALLY AVAILABLE

b6  
b7c

PAGE FOUR

DEVICE KNOWN AS OVERHEAD PROJECTOR AS BEING EFFECTIVE  
VISUAL AID IN MAKING HANDWRITING AND SIMILAR TESTIMONY  
UNDERSTANDABLE TO JURY AND COURT. SUMMARY ON FAMILY LAW  
SECTION PROGRAM SCHEDULED FOR TONIGHT WILL BE INCLUDED IN  
TELETYPE SUMMARY SUBMITTED AFTER FRIDAY SESSIONS.

~~CORR THIED LINE PAGE ONE FIRST WORD SHOULD BE DIRECT~~

END AND ACK PLS

8-34 PM OK FBI WA JG

TU DISC

M

*cc Mr. Deloach & Mr. Jamison*

Mr. John F. Cushman  
Executive Assistant to the Attorney General  
Director, FBI

November 10, 1959

b6  
b7C

94-1-369-

LETTER TO THE ATTORNEY GENERAL FROM  
JAMES P. LUCAS, COUNTY ATTORNEY, MILES CITY,  
MONTANA, DATED OCTOBER 30, 1959

Reference is made to your letter of November 4, 1959,  
captioned as above.

Records of this Bureau fail to reflect any data regarding the pamphlet entitled "Corrosion in the American Bar Association." It has come to our attention that Marah, Incorporated, Box 2223, Palm Beach, Florida, is owned by one [redacted] [redacted] is known to publish at intermittent intervals an anti-Jewish, anti-Negro and anticomunist pamphlet entitled [redacted]

In addition to the information contained in my memoranda to the Attorney General concerning Mr. Whitney North Seymour dated September 20, 1958, and January 26, 1959, which you indicated the Attorney General has seen, [your attention is directed to my memorandum to the Attorney General dated April 28, 1959, concerning [redacted]] This memorandum reported that on April 22, 1959, [redacted] the well-known socialist, indicated that he would contact Whitney North Seymour of the American Bar Association in an effort to prevent the necessity of [redacted] serving the remainder of his four-year sentence for contempt of court. (c)

In view of the prominence of Mr. Seymour and the likelihood that the pamphlet referred to by Mr. Lucas is of a highly prejudiced nature, it would appear that it would be advisable to rely upon the confidential nature of data in Departmental files to avoid specifically answering Mr. Lucas' inquiries.

The letter from Mr. Lucas to the Attorney General is being returned to [redacted] on Nov. 10, 1959, re: [redacted]

1 - H. L. Edwards (sent separately)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosure E81

NOFO: AEC B-21 K-10W

Letter to the Attorney General from James P. Lucas, County Attorney, Miles City, Montana, Dated 10/30/59, HEH:sjw  
HEH:sjw/mas (6)

DATE RECEIVED TELETYPE UNIT [redacted]

NOV 10 1959 2:13 PM  
RECORDED BY 9803461/166  
DOMM-EBI

MOON SHINE IN 260-191389-11  
MM 66 11 J ANH  
ORIGINAL COPY FILED

KEELE JR  
10/11  
HEK

Mr. J. Edgar Hoover  
Director, FBI

November 4, 1959

John F. Cushman  
Executive Assistant to the Attorney General

Letter to the Attorney General from James P. Lucas, County  
Attorney, Miles City, Montana, dated October 30, 1959

I would appreciate any suggestions you might have  
as to how I might reply to the attached letter. So far as I  
know, the Attorney General has not seen the pamphlet referred  
to, although he has seen your memoranda concerning Mr.  
Seymour dated September 20, 1956, and January 26, 1959.

Attachment

94-1369  
NOT FILED  
184 NOV 17 1959

ORIGINAL COPY FILED W/CC - 194-1369-1

Mr. Tolson

11/10/59

Q. Tamm

AMERICAN BAR ASSOCIATION (ABA)  
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG)

Inspector H. L. Edwards is the Bureau's designated liaison representative with both the ABA and the NAAG. During his assignment in the Crime Records Division research files on these organizations were established and maintained for his use in that Division. Due to his current assignment in the Training and Inspection Division, it would be more feasible to maintain these files in that Division. Mr. DeLoach agrees.

RECOMMENDATION:

Unless advised to the contrary, these research files will be transferred from the Crime Records Division to the Training and Inspection Division.

HEH:mas

(5)

① 94-1-369

1 - Mr. DeLoach

94-1-369  
NOT RECORDED  
46 NOV 12 1959

62 NOV 12 1959

STC

b6  
b7C

# Office Memorandum • UNITED STATES GOVERNMENT

*PA* TO : Mr. DeLoach *See*

FROM : M. A. Jones *JKM*

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
CHICAGO, ILLINOIS

DATE: November 18, 1959

Tolson	<i>See</i>
Belmont	
DeLoach	
McGraw	
Mohr	
Parsons	
Rosen	
Zamm	
Trotter	
W.C. Sullivan	
Tele. Room	
Holloman	
Gandy	

The SAC, Chicago, wrote the Director on November 10, 1959, advising of his contact with officials of the ABA within the past few days. He said that the ABA officials were highly pleased that the Director had become a member of the Association and that arrangements were being made toward nationwide news coverage of the photograph of the Director and ABA President John D. Randall which was taken on November 4 when Randall spoke to the National Academy graduating class.

The ABA publishes a magazine called "The Student Lawyer" which is distributed chiefly to law students and having a circulation of approximately 35,000. [redacted] Director of Activities, ABA, asked the SAC to make inquiry about the possibility of the FBI submitting articles for publication in the magazine. He listed four possible topics for such an article including one about the polygraph, expert witness testimony in court, federal rules of criminal procedure and the relationship of the FBI to local law enforcement agencies. It will be recalled that the Director wrote a 5,000 word article entitled "The Role of the Lawyer in the FBI" which was published in a fall issue of the magazine in 1957.

[redacted] Director of the Student Law Program, ABA, told the SAC that he had invited Mr. Hoover to speak before the ABA Convention which is scheduled to be held in Washington, D. C., in August, 1960. [redacted] said the Director had not specifically stated whether or not he could fill this speech request and [redacted] was anxious to determine whether or not the Director could make this address.

We have had cordial relations with both [redacted] and [redacted] and [redacted] was in the Bureau for a tour in 1959. It is believed that we could write an article concerning the relationship of the FBI to local law enforcement which would be suitable for publication in "The Student Lawyer" and which would be of interest to law students. The SAC also thought the possibility existed that we might conceivably have an article published in the "ABA Journal," after appropriate articles were received for "The Student Lawyer."

58 NOV 25 1959

(See Recommendation next page)

Enclosure *see next page* - 18-59 EX 104

1 - H. L. Edwards - Enclosure

2 - M. A. Jones - Enclosure

JK:jac (9)

NOV 20 1959  
CRIME REC'D.  
*See*

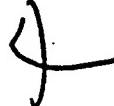
Jones to DeLoach Memorandum  
Re: American Bar Association

77

RECOMMENDATION:

That the attached letter be sent to SAC, Chicago.

V   
  
JUN 11/8

OK  


SAC, Chicago (80-355)

EX 109 REC 52

Director, FBI

November 18, 1959

94-1-369-1214

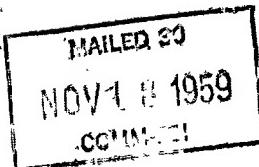
AMERICAN BAR ASSOCIATION (ABA)  
INFORMATION CONCERNING

Reurlet 11/10/59.

You may advise [redacted] and [redacted]. I will be pleased to prepare an article on the subject of the relationship of the FBI to local law enforcement agencies for publication in "The Student Lawyer." You should determine the approximate number of words the article should contain and if photographs are desired.

b6  
b7C

[redacted] letter inviting me to address the ABA Convention in 1960 was not found in our files. If such an invitation is received, however, I will be unable to make a definite commitment for an appearance so far in the future.



1 - Mr. H. L. Edwards  
2 - Mr. M. A. Jones (dotted)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Persons \_\_\_\_\_  
Roselli \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

NOTE: See Jones to DeLoach memo dated November 16, 1959,  
captioned "American Bar Association (ABA), Chicago, Illinois." JK:jac.

JK:jss (9)

NOV 2 1959  
MAIL ROOM TYPE UNIT  
DEC 8 1959

# Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

FROM : SAC, CHICAGO (80-355)

SUBJECT: AMERICAN BAR ASSOCIATION  
INFORMATION CONCERNING

DATE: 11/10/59

ATTENTION: ASSISTANT DIRECTOR  
CARLTA D. DE LOACH

On 11/2/59 [redacted] American Bar Association (ABA) Director of Activities, advised he and other officials of the ABA are exceedingly pleased in having J. EDGAR HOOVER, Director of the FBI, become a member of the ABA.

[redacted] in the past has often expressed his esteem for Mr. HOOVER and the FBI, and has been of assistance in furnishing information of interest to the Bureau.

On 11/4/59 the current President of the ABA, JOHN D. RANDALL, spoke before the National Academy graduating class at Washington, D.C., and during the ceremony presented the Director with an ABA award. While on official business at the ABA Headquarters on 11/5/59 discreet inquiry determined the ABA Public Relations Section had received photographs of the ABA President and the Director and were taking action to afford the picture national news coverage.

During the conversation with Mr. [redacted] on 11/2/59, he advised officials of the FBI had been of assistance in affording Mr. RUFUS KING, an ABA member in Memphis, Tennessee, various FBI displays which are to be viewed by members of the ABA in the Southeast Regional Conference meeting during the second week of November, 1959.

In expressing his appreciation for FBI assistance, Mr. [redacted] related the ABA publishes a magazine entitled "The Student Lawyer" which is the journal of the American Law Student Association, and which has a circulation of approximately 35,000 law students. Mr. [redacted] advised he, as a spokesman for the ABA, would like the FBI to submit articles for publication in the magazine, and suggested the following topics:

2 - Bureau (AM)  
1 - Chicago  
DFB:tmk  
(3)

REC-52

EX 109

25 Nov 12 1959  
HOLIS 11 31 1959

CRIME REC.

CG 80-355

- 1) Polygraph and its use as evidence.
- 2) Qualifications for expert witness testimony in court.
- 3) Federal rules of criminal procedure.
- 4) The relationship of the FBI to local law enforcement agencies.

[redacted] stated these topics were made solely for suggestions and if the FBI did submit articles they did not necessarily have to pertain to the specific subjects mentioned above.

b6  
b7c

Mr. [redacted] was advised by the liaison agent that his request would be submitted to the appropriate official and that a definite reply to his request would be forthcoming; therefore, the Bureau is requested to advise whether or not we can comply with the request. If so, what specific arrangements may be put into operation?

In evaluating the request, the situation should be recalled which arose out of the Bureau request for copies of the American Bar Foundation (ABF) report entitled "A Survey of the Administration of Criminal Justice in the United States". At the present time the Executive Director of the ABA, JOSEPH D. STECHER; the ABA Comptroller, [redacted] and the ABA Director of Activities, [redacted] have been cooperative and of assistance in Bureau inquiries although their allegiance lies primarily with the ABA.

The advantages of furnishing the ABA with a written article are as follows:

- 1) Apprising the ABA and its members of Bureau policy; however, any information afforded them should not infer or state Bureau methods of operation.
- 2) Should such a program be successful through "The Student Lawyer" publication, there is a possibility the ABA might publish articles in the "ABA Journal" which has a circulation of approximately 200,000 attorneys throughout the United States and its possessions.
- 3) The cost of the publications is absorbed completely by the ABA and there is, therefore, no publishing expense to be incurred by the Bureau.

b6  
b7C

CG 80-355

Another factor in evaluating future and long-range Bureau policy concerning the ABA pertains to the 1960 annual ABA convention which is scheduled to be held in Washington, D.C., during August, 1960. Mr. [redacted] Director of the Student Law Program, ABA, has advised he has written to Director HOOVER requesting him to speak before the convention. As of 2/3/59, [redacted] stated he had received a reply which in effect did not specifically state whether or not the Director could comply with the ABA speech request.

The Bureau is requested to advise the Chicago Office as to whether or not it can comply with the ABA's request, and if so, under what conditions.

## Office Memorandum • UNITED STATES GOVERNMENT

TO Mr. Tolson

DATE: November 17, 1959

FROM Q. Tamm

SUBJECT: JOHN D. RANDALL  
PRESIDENT  
AMERICAN BAR ASSOCIATION

During the Southern Regional Conference of the American Bar Association (ABA) at Memphis 11/12 - 15/59, ABA President John D. Randall was present throughout. A number of items of interest concerning dealings with him are being summarized herein:

1. Randall stated to Bureau representatives that his meeting with the Director and his having been invited to participate as a speaker at the National Academy graduation exercises of the 64th Session were privileges and highlights of his life that he will not forget. He repeatedly mentioned how proud he was to have been able to personally present the ABA Membership Certificate to the Director. The Director's joining in the ABA was the subject of much favorable comment during the convention by a number of prominent members of the ABA.

[redacted] Director of Public Relations for the ABA, told Edwards in Memphis that he was very pleased to have received the photograph taken at the presentation and it is being published in the forthcoming issue of the national American Bar News. This publication goes to all of the 94,000 members of the ABA.

2. The Director had previously approved a suggestion that Edwards contact Randall at Memphis to invite him to submit an article for publication in the Law Enforcement Bulletin (LEB). Edwards did this. Randall was very appreciative and stated he is scheduled to make a talk in Philadelphia the latter part of November to the Pennsylvania Bar Association on the subject of the Fifth Amendment. He said this talk represents more than two months' research and careful analysis because the ABA considers the subject a very important one of national timeliness and wants to be sure it does not contain any weaknesses, making it vulnerable to attack by liberals. Randall thought this would be an excellent article. He said he would send me a copy of the final proposed speech and after we looked it over if it met completely with our approval he felt it would be mutually beneficial to the Bureau and the ABA in the interest of law enforcement to have it published in the LEB. However, he said we should feel free to tell him after our review if this does not completely meet our desires and he will either make any changes we want or submit an entirely different article. Unless advised to the contrary, Edwards will let the matter rest [redacted] for the time being and will follow through to obtain the proposed talk from Randall and submit it

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TWO

Memo to Mr. Tolson  
Re: John D. Randall  
President, ABA

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for Bureau analysis.

3. The Director had also approved Edwards' following through on a suggestion by Randall that Randall pave the way for Edwards to become active in the Family Law Section, inasmuch as this section has in it a committee dealing with juvenile delinquency. At Memphis, during one of the Executive Sessions of the Family Law Section, Randall did lay the groundwork and Edwards later followed through on this matter by contacting the Family Law Section Chairman [redacted] (Attorney, Chattanooga, Tennessee - files negative) who took Edwards' name and indicated that he would be very pleased to have him actively assist in the work of the committee on juvenile delinquency. The Chairman indicated they hoped to have a very interesting program during the Annual Meeting in Washington next year and it may be that we will be able to promote a beneficial program which will advance the Director's views in the field of juvenile delinquency. Edwards will continue to follow through on this matter by maintaining contact with Randall, as well as with the Committee Chairman.

4. During Randall's stay in Memphis, Edwards introduced him to SAC Holloman and arranged to have extended to him any assistance needed. Randall was very appreciative and, in fact, on Saturday, 11-14-59, Randall took advantage of our offer and we were able to make available to him a car and one of the local agents (also a member of the Bar) to provide transportation, enabling Randall and his wife to fulfill some commitments where his schedule was tight and also to take him and Mrs. Randall to the airport to catch a plane. Randall told Edwards he was most appreciative of Mr. Hoover's thoughtfulness in making this help available.

5. It was quite apparent to Edwards that Randall was extremely popular among the almost 1200 ABA members registered at the Memphis convention. In fact, he seems to be more popular than the past President Ross Malone, which is saying quite a bit. It is also apparent, however, that president elect Whitney North Seymour of New York City is becoming increasingly popular in the ABA. Seymour seems to be leaning over backward to get rid of all traces of former stigma of extreme liberalism which had hurt him when he was a candidate for his present position. In fact, Randall told Edwards that he considers Seymour a close friend and he said that Seymour is making a conscious effort to erase the unfavorable impression which so many people have of him concerning his liberal tendencies. Nevertheless, Randall clearly indicated that he is taking no chances and is making his committee appointments so that most of the chairmen will already be well entrenched by the time Seymour assumes office. Randall stated there should be little or no occasion for Seymour to make any major chairmanship appointments. Furthermore, Randall indicated that he is in hopes that the

Director's notation:

*Some friends of a liberal  
changing spots / H.*

Memo to Mr. Tolson  
Re: John D. Randall  
President, ABA

next president elect will be a solid conservative who will be able to act as a "governor" in the event Seymour should try anything. It seems apparent, however, that Seymour is now trying to sell people on the idea that he is not in any way to be feared because of any ultraliberal tendencies. He is a very personable individual, obviously extremely intelligent and capable. In introducing him at a number of the functions, Randall referred to him as the "barefoot boy from Wall Street." The significance of this was that Seymour originated in Wisconsin and he has obviously made good in New York City.

6. As a matter of interest to the Director, Randall is having some headaches in trying to locate in Washington, D. C., a suitable place to hold the annual banquet scheduled as a part of the annual meeting in Washington August 29 - September 2, 1960, inasmuch as the Americans will play host to the British. They conservatively expect approximately 3500 people to attend the annual banquet. The National Guard Armory would be adequate but it is not air-conditioned. Randall said they want \$500 a day rental for the Armory and he offered to pay them \$1,000 a day if it could be air-conditioned. However, he said he has met with no success to get it air-conditioned. His present intention is to personally contact Vice President Nixon when he is in Washington the latter part of November, 1959. He is hopeful that Nixon will become sufficiently interested to exert the necessary influence to order the Armory to be air-conditioned.

ACTION:

For information.

V J J J J

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11/10/59

FROM : Q. Tamm

SUBJECT: ORMAN W. KETCHAM

Judge, Juvenile Court, District of Columbia;  
 Newly Appointed Council Member  
 Criminal Law Section  
 American Bar Association (ABA)

Tolson  
 Belmont  
 DeLoach  
 McGuire  
 Mohr  
 Persons  
 Rosen  
 Tamm  
 Trotter  
 W.C. Sullivan  
 Tele. Room  
 Holloman  
 Gandy

Rufus King, Chairman, Criminal Law Section, ABA, has advised officers and Council members of this Section of his appointment of Judge Orman W. Ketcham of the District of Columbia Juvenile Court to the Council of this Section to replace the late Gustav L. Schramm. Inspector H. L. Edwards, as a member of the Council, received a letter from King to this effect.

*see 77-68042-13*  
 Attached is an M. A. Jones to Mr. DeLoach memorandum dated 9/4/59 setting forth a summary of information regarding Ketcham. Bufiles contain no record of him since this memorandum. It is noted the Director commented regarding Ketcham: "He is just another 'bleeding heart.' H".

This is another example of freewheeling by Rufus King and points out the continuing need to build up friends in the Criminal Law Section to keep an eye on King and restrain him wherever possible. Mr. Edwards will pursue this policy vigorously.

Ketcham is active in the Family Law Section, ABA, and addressed this Section at the Annual Meeting in August, 1959, in Miami Beach. Prior to the creation of the Family Law Section a year ago, the topic of Juvenile Delinquency was covered by the Criminal Law Section. Ketcham is not likely to be active in the Criminal Law Section but will be a link between the two Sections in view of his interest in Juvenile Delinquency. Mr. Edwards is also a member of the Family Law Section and the Director has previously approved plans of ABA President John D. Randall to work Edwards into Committee work in the Family Law Section. Edwards will meet with the Chairman of this Section at the Regional Meeting of the ABA in Memphis, November 12-14, 1959.

The Bureau's liaison representatives with the ABA will continue to follow King closely and will also be alert to the activities of Ketcham.

RECOMMENDATION:

For information.

HEH:mda

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Enclosure

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SAC, Newark

11/20/59

Director, FBI

SYLVESTER C. SMITH, JR.

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For your information, Sylvester C. Smith, Jr., was extended Bureau courtesies during his attendance at the Southern Regional Conference of the American Bar Association (ABA) in Memphis, Tennessee, 11/12 - 15/59. This was handled by SAC Frank C. Holloman of the Memphis office and by Seat of Government representatives, Inspector H. L. Edwards and SA Herbert E. Hoxie, who attended the convention. You will recall that [redacted] had specifically requested that this be done. Smith was accompanied to the convention by [redacted] and he introduced her to the Bureau representatives.

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Tamm  
Smith is General Counselor of the Prudential Insurance Company. As Chairman of the House of Delegates of the ABA he occupies an extremely key position and conceivably is a future prospect for the position of President of the ABA. His views appear to be conservative and in line with the thinking of the Bureau on issues of mutual interest. Smith was designated at the opening assembly of the Memphis convention on November 12 to make formal response to the addresses of welcome of the various representatives of the Tennessee Bar, and he performed in an extremely effective and adroit manner. He appears to be very well liked in the ABA.

For your information, the Bureau is placing him on the special mailing list. You should arrange to keep in close touch with Mr. Smith. As you know, Inspector H. L. Edwards has been designated to maintain continuing liaison with the ABA. You should, therefore, make certain Bureau is kept advised of any items of pertinent interest which would be helpful in furthering this liaison.

9-1-1959

NOTE: Based on memo Q. Tamm to Mr. Tolson dated 11/19/59, re: "Sylvester C. Smith, Jr., Chairman, House of Delegates, American Bar Association (ABA) General Counselor, Prudential Insurance Company Newark, New Jersey," HLE:sjw.

Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.D.  
G.

53 NOV 30 1959

1 - Mr. DeLoach (sent separately)

12-15  
4 NOV 22 1959  
REG-46

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11/19/59

FROM : Q. Tamm

SUBJECT: SYLVESTER C. SMITH, JR.  
 CHAIRMAN, HOUSE OF DELEGATES  
 AMERICAN BAR ASSOCIATION (ABA)  
 GENERAL COUNSELOR  
 PRUDENTIAL INSURANCE COMPANY  
 NEWARK, NEW JERSEY

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Tolson \_\_\_\_\_  
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 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
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 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

TENN

Newark [redacted]

[redacted] had mentioned that Sylvester C. Smith, Jr., was attending the Southern Regional Conference of the ABA which was held at Memphis November 12 - 15, 1959; and he would appreciate any courtesies which might be extended him. Inspector Edwards alerted SAC Holloman to this prior to the convention and Smith, who arrived there prior to Edwards, was contacted by Holloman and offered the services of the Memphis office.

Smith is known to Edwards from ABA meetings. Edwards contacted Smith promptly after his arrival at Memphis, at which time Smith introduced [redacted] who accompanied him to the convention. Smith was extremely grateful for the thoughtfulness of the Bureau in contacting him, and Edwards assured him that if there was anything at all that we could do during his stay in Memphis to assist him, he need only let us know.

N.J. TENN

Smith mentioned the fact that [redacted]

and

[redacted] said that [redacted] was completely taken by the surprise testimonial which was tendered him by a group of his close associates. SAC Simon of Newark had alerted us to this, and under date of 11/5/59 the Director had sent [redacted] a very nice congratulatory letter.

Smith is General Counselor for the Prudential Insurance Company. He is extremely well thought of in the ABA and as Chairman of the House of Delegates occupies a very key position. He is a close friend of ABA President John D. Randall who leans on him heavily. Most of the past ABA presidents have served as Chairman of the House of Delegates, and it is quite likely that Smith will become a future ABA president. A news item in the New York Daily

Enclosure ~~see et~~ REC-50 94-1-369-12/16  
1 - Mr. DeLoach (with enclosure)

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Smith placed on Com. list Nov 24 1959  
in Ap 3-59  
11 May 1959

Memorandum to Mr. Tolson  
Re: Sylvester C. Smith, Jr.

News of 10/4/58 quoted Smith as stating that the Earl Warren Supreme Court "is forgetting the public right to the administration of justice," and that in 1957 "criminals, especially if they were communist, found court decisions flowing with milk and honey." Smith was very instrumental in helping to get through the House of Delegates the special report of the Committee on Communist Tactics and Strategy at the midwinter meeting in Chicago in February, 1959.

Our files contain nothing derogatory on Smith.

Edwards thinks it would be a good idea (and I agree) to have Smith placed on the special mailing list and also to alert SAC Simon to Smith's position in the ABA so that Simon can become acquainted with him.

RECOMMENDATIONS: 1. That the Crime Records Division place Mr. Smith on the special mailing list.

*done*  
*PS*

✓

*THU*  
*11/19*

2. That the attached letter to SAC Simon be approved.

✓

*THU*  
*11/19*

*GJ*  
*X*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: November 17, 1959

FROM : Q. Tamm

SUBJECT: CRIMINAL LAW SECTION PROCEEDINGS  
 AMERICAN BAR ASSOCIATION (ABA)  
 ANNUAL MEETING, WASHINGTON, D. C.  
 AUGUST, 1960

Tolson  
 Belmont  
 DeLoach  
 McGuire  
 Mohr  
 Parsons  
 Rosen  
 Tamm  
 Trotter  
 W.C. Sullivan  
 Tele. Room  
 Holloman  
 Gandy

Brown

Rufus King, Chairman, Criminal Law Section, ABA, has advised H. L. Edwards that the following possible subjects have been suggested as suitable topics to be discussed during four sessions allotted to the Criminal Law Section at the annual meeting of the ABA to be held in Washington, D. C., in August, 1960.

1. Criminal and law-enforcement aspects of international law. A broad discussion of the place of criminal responsibility i. e., direct individual accountability for outlawed acts, the "concept of crimes against humanity," etc., in achieving and preserving peace.

2. Narcotic drug regulations. A discussion of the so-called British system of dealing with drug addicts and the drug traffic, by a suitable British spokesman from the Home Office if possible.

3. Alcoholism and alcohol-induced offenses. A discussion of the problem of alcoholism, laws and policies with respect to the alcoholic, and particular offenses where alcohol is an element.

4. Proposed improvements in the administration of justice. A discussion of one or more of the following: the right of discovery and the disclosure of witnesses and evidence; public defender laws; special tribunals and special methods of handling offenders in certain groups, i. e., traffic, tax, non-support, etc., wiretapping and electronic surveillance.

5. Sex offenders. A discussion of policies and problems relating to offenses involving sexual acts.

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1 - Mr. Belmont  
 1 - Mr. DeLoach  
 1 - Mr. McGuire  
 1 - Mr. Mohr

1 - Mr. Parsons  
 1 - Mr. Rosen  
 1 - Mr. Trotter

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Memorandum to Mr. Tolson  
Re: Criminal Law Section Proceedings

6. The regulation and control of weapons. An appraisal of proposals to outlaw or control pistols and other weapons.

7. Crime portrayal in public media. A discussion of the portrayal of crime, criminals, and law-enforcement agencies in films, T.V., comic books, radio, etc.

King desires the comments and suggestions of Criminal Law Section Council members. Edwards is a member of the Council.

Copies of this memorandum have been designated for each Assistant Director. It is suggested that each division submit in memorandum form its views re: the advantages and disadvantages to Bureau concerning each topic; wherever a particular topic appears to be desirable, additional information should be furnished for the use of the Bureau's liaison representative in arguing for consideration of the topic. Also each division should submit ideas re additional suitable topics bearing in mind that these topics will be discussed by the Criminal Law Section which has the broad over-all objective of furthering the administration of the Criminal Law. It is noted the specific topic of juvenile delinquency is covered in the Family Law Section, not affiliated with the Criminal Law Section.

Memoranda should be designated for the attention of Inspector H. L. Edwards and should reach him no later than the close of business Thursday, November 19, 1959, in view of his contemplated departure from the SOG on official assignment.

RECOMMENDATION: That each division submit the suggested observations.

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HHS  
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WWS  
11/17

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11/17/59

FROM : Q. Tamm

SUBJECT: AMERICAN BAR ASSOCIATION (ABA)  
 REGIONAL MEETING  
 MEMPHIS, TENNESSEE, November 12-14, 1959

SYNOPSIS:

This is a summary report by Inspector H. L. Edwards and SA H. E. Hoxie concerning Bureau coverage of captioned meeting. Where schedule conflicts prevented attendance by Edwards or Hoxie, certain functions were covered by SAs Eugene G. Douglass and Joseph A. Canale. This meeting had a reported 1178 registered members in attendance plus guests. Most of the 18 Sections of the ABA plus certain committees sponsored sessions, many of which were in time conflict with each other. Every effort was made by Bureau representatives to circulate among the membership at all general sessions and at specific limited sessions where there was a possible Bureau interest. Following groundwork laid by ABA President Randall, tentative arrangements were made for Edwards to participate in committee work of the Family Law Section which handles the topic of juvenile delinquency among other items. Continued liaison was maintained with members of the Criminal Law Section, of which Edwards is a Council member.

The details contain reports of each function attended for future reference. This synopsis contains only brief resume of items believed of specific interest to the Director. Daily teletype summaries of pertinent items were submitted to Director during convention.

Opening Assembly meeting featured addresses by ABA President John D. Randall and Senator J. William Fulbright (D., Ark.). Randall stressed the need for the rule of law and discussed Administrative Procedure Act of 1946. Claimed existing policy of some administrative agencies of withholding many of their rules of procedures and general policy has resulted in some situations tantamount to "star chamber" proceedings. Cited one example where Immigration and Naturalization Commissioner withheld procedural and policy manuals on grounds they related to internal management and were intended for guidance of

- 1 - H. L. Edwards
- 1 - Mr. Belmont
- 1 - Mr. Rosen

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EX-104

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Memo for Mr. Tolson  
Re: ABA REGIONAL MEETING  
MEMPHIS, TENNESSEE, 11/12-14/59.

employees and not for public. Attorney General's manual upholds withholding of certain information based on internal management provisions. Randall urged all lawyers to support ABA endorsement of S. 1070, one of six pending bills designed to correct situation. (Randall's comments re Administrative Procedure Act have primary reference to those agencies having administrative hearings involving public. ABA interest is with attorneys who appear before these agencies. Separate memorandum being submitted recommending review of S. 1070 for any items pertinent to Bureau.)

Senator Fulbright traced the growth of communism during the past 40 years and called for abolition of smugness and complacency over communist threat. He defended invitation by President to Khrushchev to visit America. We should know our antagonist. Fulbright invited Khrushchev to appear before Senate Foreign Relations Committee. Described Soviet premier as imaginative and bold. Fulbright stated America is weakened by internal differences and prejudices which should be subordinated in favor of a solid, unified front against communism.

Junior Bar Conference program included address by SAC Holloman on "Work of the FBI." He emphasized current crime statistics and juvenile delinquency; commented on close working relationship and mutuality of interest between Bureau and ABA. Speech received excellent response and favorable news publicity.

Among featured speakers at a Traffic Court program was Raymond Burr, TV's "Perry Mason." Burr discussed "What a Layman Expects from a Traffic Court"; called for public relations campaign by attorneys and participation on a gratis basis by attorneys in proceedings of traffic courts designed to improve their operations. He noted that 85% of Americans have their only contact with the courts in our traffic courts. Too many traffic court magistrates are not lawyers and unfavorable impression given in many instances. Burr advocated that public not automatically pay traffic fines. Should defend their cases as a means of bringing on improvement in quality of traffic court administration. Average layman expects honesty, fairness and justice.

Labor Relations Law Section had extensive panel and floor discussion of the new labor bill indicating there is much ambiguity in certain provisions which will result in litigation lasting for years. No mention made of Bureau.

Memo for Mr. Tolson  
Re: ABA REGIONAL MEETING  
MEMPHIS, TENNESSEE, 11/12-14/59

Dean E. Blythe Stason, University of Michigan Law School, discussed "Law and Administration of Justice in the Soviet Union" based on his studies and three-week trip to Russia in 1958 as member of State Department official delegation. Emphasized all powers are centralized in Communist Party.

Criminal Law Section program was devoted exclusively to discussion and demonstration of wire tapping and mechanical surveillances. The session was well attended and generated much interest. Section Chairman Rufus King presided. Panelists were Samuel Dash, author of "The Eavesdroppers;" Edward S. Silver, District Attorney of Kings County, Brooklyn, New York; and Ray H. Jenkins, former Senate Counsel in Army-McCarthy hearings. Dash discussed his book, traced legal background of wire tapping legislation, pointed out Supreme Court decisions on subject and discussed Attorney General's opinion re interpretation of Section 605 of Federal Communications Act as not precluding divulgence within an agency. Dash gave impression wire tapping was widespread. He referred to unidentified Assistant Attorney General's statement before Celler committee in 1955 and claimed Brinks case was initially solved by a private New York wire tapper who worked for Massachusetts police. Memos on these two items have been separately prepared on Director's instructions. Jenkins opposed all eavesdropping as dirty business and contrary to spirit of Magna Charta and constitution. Silver spoke in favor of use by law enforcement of wire taps where authorized by court order upon showing of justifiable cause. In view of confusion left by panelists re FBI policy and extent of wire tapping, Edwards obtained floor and summarized grants of authority for FBI to wire tap and the specific limitations under which we conduct a limited number of taps. Extensive news publicity given wire tap program was objective and if anything emphasized law enforcement point of view.

The annual banquet was addressed by Sir Harold Caccia, British Ambassador to the United States, who discussed the British Commonwealth, current foreign relations policies and problems with Russia.

The Bureau's representatives are convinced that attendance at Regional Meetings is essential to adequately protect the Bureau's interests. (There are two such meetings each year.) There was considerable evidence of extremely favorable feeling toward the Director and the FBI and FBI liaison is both welcomed and appreciated by the ABA.

Memo for Mr. Tolson  
Re: ABA REGIONAL MEETING  
MEMPHIS, TENNESSEE, 11/12-14/59

RECOMMENDATION:

For information.

W.H.B.  
11/18

(See next page for DETAILS)

Memo for Mr. Tolson

Re: AMERICAN BAR ASSOCIATION (ABA)  
MEMPHIS, TENNESSEE, 11/12-14/59

DETAILS:

OPENING ASSEMBLY, REGIONAL MEETING, ABA  
9:30 A. M., November 12, 1959

The opening assembly featured addresses of welcome by the Attorney General of Tennessee, the Mayor of Memphis, the President of the Tennessee Bar Association and the President of the Memphis and Shelby County Bar Association. The response was delivered by Sylvester C. Smith, Jr., Chairman, House of Delegates. Featured addresses were by John D. Randall, President of the ABA, and Senator J. William Fulbright, Chairman, Senate Foreign Relations Committee. There were no direct or indirect references to the FBI in any of the remarks.

Randall stressed the need for the rule of law and discussed the Administrative Procedure Act of 1946. He emphasized the current legal problem re the need to clarify and tighten this act in order to remove areas of discretion whereby Federal agencies having administrative hearings and similar dealings with the public withhold many of their rules of procedure and general policy. This imposes hardships and inequities on lawyers having dealings with them, often creating situations tantamount to "star chamber" proceedings. Many agencies contend these policy statements and procedural regulations are merely related to internal management, intended for guidance of employees and not for the public. Randall urged all lawyers to support ABA endorsement of Senate Bill 1070, which is one of six pending bills designed to correct the situation.

Senator Fulbright stated that a government of law is the greatest achievement of Anglo-Saxon society. He discussed generally the separation of powers and the division of authority which has often existed where the President is of one party and the legislative control is in another party. He suggested a constitutional amendment to correct the situation.

Fulbright traced the growth of communism in the last 40 years and indicated the trend and rate of development in Russia is of the greatest importance. On the military side, Fulbright seems to feel a stalemate has been reached. Neither side at this time desires to use nuclear weapons as the solution of our problems. This does not call for a lessening of our defense efforts, however. He defended the invitation by the President to Khrushchev to visit the U. S. A. It is best to know our antagonist. He felt the intelligence

Memo for Mr. Tolson

Re: AMERICAN BAR ASSOCIATION (ABA)  
MEMPHIS, TENNESSEE, 11/12-14/59

of the American public is sufficient to avoid being taken in by Khrushchev. Fulbright invited Khrushchev to appear before Senate Foreign Relations Committee. Fulbright described the Soviet premier as imaginative and bold and stated America needs to get over smugness and complacency that we are superior. Fulbright felt that America is weakened by internal differences and prejudices which should be subordinated in favor of a solid, unified front against communism.

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**ASSEMBLY LUNCHEON**  
**12:15 P.M.; November 12, 1959**

Whitney North Seymour, President-Elect, ABA, presided over the luncheon proceedings. The featured speaker was Carl Conway, President, Iowa Bar Association, who gave a humorous after-dinner type of address which received an excellent response but contained no information of pertinence to the Bureau.

**JUNIOR BAR CONFERENCE PROGRAM**  
**2:00 P.M.; November 12, 1959**

Featured at this program was an address by SAC Holloman reviewing the responsibilities and cooperative services of the Bureau and emphasizing current crime statistics and juvenile delinquency. Specific mention was made of the close working relationship and mutuality of interest between the Bureau and the ABA. This speech received excellent response and subsequent news publicity.

On the same program was a talk by a private local handwriting expert, [redacted] who explained and demonstrated visual aids in the courtroom. His remarks were confined exclusively to civil matters. He demonstrated an already known and commercially available device known as an overhead projector as being an effective visual aid in making handwriting and similar testimony understandable to a jury and court.

TRAFFIC COURT SECTION  
November 12, 1959

At the Southern Regional Meeting of the American Bar Association, Memphis, Tennessee, on Thursday, November 12, 1959, the section of the program on Traffic Court was monitored by Special Agent Eugene G. Douglass.

This program consisted of a panel on the subject of the Traffic Court. Panelists were Mayor Ben West, of Nashville, Tennessee; Honorable Howard J. Taylor, Judge, Traffic Court, New Orleans, Louisiana; Mr. Frank Ahlgren, Editor, "The Commercial Appeal," Memphis; Mr. Erby L. Jenkins, Knoxville, Tennessee, President of the Tennessee Bar Association; and Mr. Raymond Burr, of Hollywood, California.

There were no references to the FBI on the part of any of the speakers or any member of the audience. None of the subject matter had a direct or indirect reference concerning the work of the Bureau.

The summary of pertinent information follows:

Mayor Ben West, Nashville, Tennessee

Traffic Court in Our Judicial Structure:

Mr. West stated many decisions of the Traffic Court in the United States lie in other portions of the Government other than the Judicial section. In regard to this matter, Mr. West related that in 1944, the Bureau of Roads convinced Congress of the need for better highways in order to move traffic more safely over the roads and highways of this country.

Mr. West stated that the attitude of the community in regard to a Traffic Court is most important as to how traffic laws are to be enforced and in regard to education of drivers.

He noted that in the next twelve years, the population of the United States will increase by 60 million people and there will be an increase of 40 million more cars on the roads. He said that at this time there are 37,000 persons killed each year and 1,350,000 persons injured each year in traffic accidents.

Honorable Howard J. Taylor, Judge,  
Traffic Court, New Orleans, Louisiana

Traffic Judge in His Community:

Judge Taylor stated that he was appointed as a Traffic Judge in New Orleans, Louisiana, in 1954 for a two-year

period and has since been re-elected to an eight-year term. He stated that when he was sworn in as judge, he took an oath to uphold the laws of the United States and the State of Louisiana.

Judge Taylor added that since he was sworn in as Traffic Judge, not one day has passed in which some responsible citizen has not called him on the telephone or come to him in person asking that he give some consideration to that person when he would appear before him in traffic court. He said that when these persons contacted him, they always ask that he hear "their" side of the story in regard to their traffic violation. He stated that a Traffic Judge must be able to look all persons coming before him in the eye and say "No."

He further stated that many responsible persons ask Traffic Judges questions and favors which they would not consider asking any other member of the judiciary.

Judge Taylor stated that the citizens of a city must expect and demand the best of its Traffic Judges. He stated that it is the primary duty of the Traffic Judge to protect the defendant, and secondly to protect the rights of the community by treating all persons coming before him in the same manner.

Mr. Frank Ahlgren, Editor, "The Commercial Appeal," Memphis, Tennessee

#### The Community Looks to its Traffic Court:

Mr. Ahlgren stated that the Traffic Court Judges need to impress on the persons coming before them the importance of the Traffic Court. He stated that the Traffic Court is the first contact that most persons have with judicial procedure. He stated that the City of Memphis averages approximately 30,000 traffic cases a year, and that the three Traffic Judges have a daily docket of approximately 75 cases each. He stated that this allows the judge to spend approximately three minutes, on the average traffic case, and approximately five to ten minutes on the more serious offenses, such as driving while intoxicated.

Mr. Ahlgren stated that law enforcement is enlarging the areas in which police officers are becoming drunkometer experts and other types of experts, but that until the public decides to do something about the enforcement of traffic laws, the traffic courts will remain in their present status.

Mr. Ahlgren, who is a director of the National Safety Council, advised that records of the National Safety Council reflect that it costs approximately \$135,000 for each traffic death.

Mr. Ahlgren advised that this country is engaged in a traffic war, and we will continue to fight a losing war if we do not attract excellent judges to our benches to enforce the traffic laws.

Mr. Erby L. Jenkins, Knoxville, Tennessee  
President of the Tennessee Bar Association

Mr. Jenkins presented an award to Raymond Burr, who portrays Perry Mason on television, making Mr. Burr an honorary member of the Tennessee Bar Association.

In addition, Mr. Jenkins presented an award to Mr. Burr on behalf of Governor Buford Ellington, State of Tennessee, conferring on Mr. Burr the honorary title of Colonel of the State of Tennessee.

Raymond Burr, Hollywood, California

What a Layman Expects from a Traffic Court:

Mr. Burr was introduced by Mr. John Satterfield, Mississippi State Delegate, who stated that since 1950, Mr. Burr has put on more shows for the Armed Forces than any other entertainer. In addition, Mr. Satterfield stated that Mr. Burr's show, "The Perry Mason Show," is the only television show in which more than 50 per cent of the television audience watches each show.

After being introduced, Mr. Burr commented that over 50 million Americans watch "The Perry Mason Show," and that he receives 3,500 letters a week, 750 of which he must answer personally. He stated the letters which he answers personally are from such persons as district attorneys, ministers, teachers and other similar types of professions.

Mr. Burr stated that the average citizen hoped to get from the Traffic Court a "good deal." He stressed the absolute need of the public's knowing more about their Judicial system so their "Bill of Rights" can be borne out to them in everyday life.

Mr. Burr stated that 85 per cent of the population of the United States will come into contact with the Traffic Courts and stated that this is the only dealings these people will have with the Judicial system. He stated that the one area where the public should be educated is in the Traffic Court. He stated that the average layman expects from the courts, honesty

fairness and justice. He stated that this is not always received by the public, and stated that in some areas, some members of the traffic courts have no background whatsoever in law.

He added that we still have antiquated systems in the Traffic Court and advocated that better trained persons should be handling the Traffic Court. He advocated that the public should be educated against the "pay the fine" attitude and should defend their cases by bringing about a better quality of magistrates and judges.

Mr. Burr suggested that possibly we need two traffic courts, one to hear contested cases and the other to hear uncontested cases. Mr. Burr advocated a strong, active public relations program by lawyers directed toward improving administration of the Traffic Court justice.

He related that the average citizen knows less of the legal profession than any other profession in the world, and suggested that he would like to see a panel of members of the bar associations offering free legal advice to those persons being confronted with having a case tried before a Traffic Court.

Mr. Burr advocated that in areas where the Justices of the Peace and Police have a working agreement such as "speed traps," that if the lawyers were to get behind the public, it would result in having better Traffic Court judges.

Mr. Burr concluded that if the law profession wants to educate people in traffic safety, it should make it be known that the United States is the best country in the world and that it has the best system, with justice for all.

It is to be noted there were no questions received from the audience throughout the entire traffic court program.

There were no copies of the speeches given at this program available.

LABOR RELATIONS LAW SECTION  
November 12, 1959

At the Southern Regional Meeting of the American Bar Association held at Hotel Peabody in Memphis, Tennessee, Special Agent Joseph A. Canale monitored a meeting sponsored by the Labor Relations Law Section at 2:00 p.m. on November 12, 1959. The following is a summary of pertinent facts which occurred during this meeting; which extended in duration from 2:00 p.m. to 4:30 p.m.:

The meeting was presided over by Mr. John Morgan, a practicing attorney of Boston, Massachusetts, who was identified as Chairman of the Labor Relations Law Section of the ABA. Mr. Morgan introduced each of the guest speakers.

Mr. Kenneth C. McGuiness, attorney at law presently engaged in private practice in Washington, D.C., who was identified as a former assistant general counsel of the National Labor Relations Board, spoke for approximately twenty minutes concerning the historical development of labor laws during the past twenty-four years, approximately, culminating with a discussion of the new labor law commonly known as the Landrum-Griffin Act. Mr. McGuiness explained the legislative history of the Landrum-Griffin Act, tracing this legislation through the various committees of the Senate and House of Representatives, including the passage by the Senate of the so-called Kennedy Bill, the passage by the House of Representatives of the Elliott Bill, and after a joint committee meeting, the eventual passage of the Landrum-Griffin Act. He explained that in his opinion, the new law was inspired to a large extent by the findings of the McClellan Committee. He went into some detail as to why Congress passed what he described as a strong labor bill, citing primarily: One) Public loss of confidence in the integrity of unions as a result of the disclosures of the McClellan Committee; Two) Arrogance and evasiveness on the part of union officials at these hearings; and Three) Union officials having overstepped themselves in their relations with Congress, as evidenced by their conduct at these hearings.

Mr. McGuiness pointed out the obvious effect of the flood of letters which Congressional mail contained, all of which demanded passage of the new labor law. It is of interest to note that Mr. McGuiness attributed this flood of letters in the main to President Eisenhower's speech via television requesting strong labor legislation and the appearance of McClellan Committee attorney Bob Kennedy on the Jack Paar Show, at which time Kennedy recommended the passage of strong labor legislation.

Mr. McGuiness pointed out that he felt both labor and company attorneys would have much opportunity to perform legal analysis and debate in connection with interpreting the

law as passed by Congress, and in developing techniques under which their respective clients may operate under the provisions of this legislation. He pointed out that procedure under this new legislation would, to a considerable extent, be entirely new.

Judge Boyd Leedom, Chairman of the National Labor Relations Board, Washington, D.C., spoke for about ten minutes concerning the impact of the new labor law on the National Labor Relations Board, Washington, D.C.. ~~spoke for about ten minutes concerning the impact of the new labor law on the National Labor Relations Board.~~ Judge Leedom discussed the problems facing his board in attempting to interpret the intention of Congress as to requirements on the part of the National Labor Relations Board regarding action to be taken by it under the new provisions of this labor legislation. His brief talk was, in substance, a consideration of new and extended problems now facing the Labor Relations Board in view of the new provisions and procedures outlined under the Landrum-Griffin Act.

Mr. L. N. D. Wells, Jr., private practitioner of Dallas, Texas, was introduced as a labor lawyer. He advised he is a union lawyer, and that he is counsel for the Southern Conference of Teamsters Unions, with headquarters in Dallas, Texas. Mr. Wells summarized the provisions of the seven titles of the new labor legislation, and then described certain problems which will face the union leaders and unions under the new legislation. He pointed out that under Title V, which outlines fiduciary responsibility on the part of union officers, it is required that certain bonds be posted as secured from surety companies by union officials. Mr. Wells pointed out that as of the present time, the union officials have not been able to locate any bonding company willing to furnish surety bonds for the union officials, for the reason that no one apparently knows just exactly what duties will be imposed on union officials under the new act and what the extent of the bonding company's liability may be under this new legislation.

Mr. Wells also pointed out that it is quite apparent that the premiums for surety bonds for these union officials will now be increased many fold, due to the added requirements of the law. He pointed out that in his opinion, this act would result in more centralization of union control, rather than in establishing more democratic procedures within the union. He said he felt the highly restrictive requirements of the act as to union officials, together with the added expense imposed upon the unions, particularly in the nature of increased surety bond premiums, would result in a trend to concentrate union leadership in the hands of fewer officials, thereby reducing bond expenses and other administrative problems.

Mr. Wells further pointed out that he felt that the provisions of the act for equal rights regardless of race, seemed

to open the door within the South to a break-down in segregation in other areas of legislation, since the Southern congressmen and senators rather wholeheartedly and overwhelmingly supported the passage of this legislation containing such a clause. In substance, Mr. Wells' discussion dealt primarily with technical aspects of the new legislation, with particular attention to administrative actions and problems under the act.

Mr. Frank A. Constangy, corporation counsel, Atlanta, Georgia, spoke in behalf of management concerning this new legislation. He described his discussion, which lasted for about twenty minutes, as being concerned with the impact of the labor reform act on employers. He stated in his opinion, there would be less advantage in this act to employers than is generally realized and that there are definitely a number of detriments to management or employers as a result of this act. He pointed out that the confusion and vagueness in the wording of this statute will no doubt be troublesome for a long period of time to come in analyzing and interpreting the provisions of the act. He said it appeared obvious to him that the sections of the act dealing with secondary boycotts represented action on the part of Congress to plug up loopholes that it had left open in the Taft-Hartley Act passed about twelve years ago.

Mr. Constangy stated that he felt some of the wording of the act, such as provisions as to picketing appears ridiculous to him in the manner in which it is set forth. He said the definitions provided by the act are not clear and cogent and leave much room open for interpretation.

Following these initial remarks by the above speakers, an open forum was held, presided over by Mr. Ed Pierce, attorney at law of Atlanta, Georgia. Mr. Pierce, the moderator, was introduced as the Vice-Chairman of the Labor Relations Law Section of the American Bar Association. Participating in this panel were the above described speakers, namely Judge Leedom, Mr. McGuiness, Mr. Wells and Mr. Constangy. A number of questions were directed to the panel from the floor. It was noted that none of these questions related to the enforcement of the act, including the criminal provisions, and no reference whatever was made as to what Federal agency might handle the enforcement of this act. Questions, in the main, were directed to the panel concerning technical aspects of the act, procedural questions under the new provisions of the act, and some substantive questions as to the panel members' interpretation as to meaning of certain sections of the act. A number of questions were directed in particular concerning the secondary boycott provisions of the act and interpretations of these provisions.

Approximately thirty minutes before the conclusion of the meeting, Mr. Wells advised that due to early departure of his train, he had to leave the meeting. An attorney described as John Patton, a labor lawyer of Atlanta, Georgia, replaced Mr. Wells on the panel.

During the entire proceedings, no mention whatever was made of the FBI. The Bureau was not mentioned either by the speakers or by the attorneys who propounded questions from the floor.

Other than such information as described above, nothing transpired which would be of apparent interest to the Bureau.

Since there were no prepared speeches, no transcripts were available.

Memo for Mr. Tolson

Re: AMERICAN BAR ASSOCIATION (ABA)  
MEMPHIS, TENNESSEE, 11/12-14/59

FAMILY LAW SECTION  
8:00 P. M.; November 12, 1959

Clarence Kolwyck, Chairman of the Family Law Section, presided over the proceedings. President-Elect Whitney North Seymour spoke briefly calling for the ABA to take a more active role in the problems of the family.

The main topic of discussion involved "Family Courts--Will They Better Stabilize Family Life?" Panelists included Stanton L. Ehrlich, Chicago, Illinois; Judge Benson Trimble, Nashville, Tennessee; Mrs. C. Frank Scott, Commissioner of Public Welfare, Tennessee, and Bliss Kelly, head of the Oklahoma City Family Clinic. This program was devoted exclusively to marriage problems with emphasis on divorce and reconciliation matters. Passing reference was made by Kelly to the Director by emphasizing magnitude of juvenile delinquency which, according to the Director, parallels the divorce problem.

At the Section's business session, ABA President Randall laid the groundwork for giving the Bureau representative an opportunity to actively participate in the juvenile delinquency work of the Section. Following the evening session, Mr. H. L. Edwards met with Chairman Kolwyck and discussed future plans in this regard.

AMERICAN JUDICATURE SOCIETY BREAKFAST  
8:00 A. M.; November 13, 1959

The featured speaker was Dean E. Blythe Stason, University of Michigan Law School, who spoke on the topic "Law and Administration of Justice in the Soviet Union." Dean Stason's remarks were based on his three-week tour of Russia in 1958 as a Special Consultant in a State Department sponsored delegation. Stason emphasized that following the October Revolution an entirely new legal system was built in Russia which despite progress made is still primitive. All powers are centralized in the Communist Party. There is no separation of executive, judicial and legislative powers in Russia and the courts exist only as part of the Communist administrative machinery. Due to the limitation of time, Stason's entire prepared remarks were not delivered. They will be published in the December, 1959, issue of the American Judicature Society Journal.

CRIMINAL LAW SECTION  
9:15 a.m.; November 13, 1959

This program was devoted exclusively to a lively discussion and demonstration of wire tapping and mechanical surveillances. Rufus King, Section Chairman, presided over the proceedings. He also wore and demonstrated recording devices generally available to the public. Panelists on the subject of wire tapping included Samuel Dash, author of the book "The Eavesdroppers"; Edward S. Silver, District Attorney of Kings County, Brooklyn and Ray H. Jenkins, former Senate Counsel in the Army-McCarthy hearings.

Dash exhibited copies of his book; explained the background of the research and preparation of his book; distinguished between wire tapping and other electronic eavesdropping; reviewed Federal and state legislation re wire tapping and concluded that state laws are actually a "crazy quilt." Dash cited major Supreme Court decisions on wire tapping and admissibility of evidence obtained by this source and noted Attorney General's interpretation of Sec. 605 of the Federal Communications Act wherein intra-agency divulgence was held not divulgence within meaning of the act. He made no recommendations to control wire tapping but indicated attention should be given to the widespread use of other electronic eavesdropping equipment. Dash gave impression wire tapping was widespread throughout law enforcement and is a lucrative source of income by private individuals. He recognized beneficial results which have been obtained on occasion when used by law enforcement. Wire tapping is utilized by FBI but not for evidence purposes or for divulgence outside Bureau. Dash referred to a statement by an unidentified Assistant Attorney General before the Celler committee in 1955 and also stated the Brinks robbery was initially solved by a private New York wire tap specialist called in by Massachusetts police. (In response to the Director's earlier inquiry these two items have been separately handled by the Domestic Intelligence and Investigative Divisions.)

Ray Jenkins took a position completely opposed to all eavesdropping which he characterized as dirty business. He relied heavily on the minority opinion of Justice Brandeis in the Olmstead decision of 1928 and claimed that eavesdropping is contrary to the spirit of the Magna Charta and the U. S. Constitution. Jenkins praised the Director and FBI and claimed our ingenuity and resourcefulness made unnecessary recourse to wire tapping which he described as a "lazy man's device."

Ed Silver spoke in support of law enforcement's use of wire taps when authorized by a court order following a sufficient showing of justifiable cause.

During open discussion following above, [redacted] Staff Counsel with Senator Henning's committee, commented on proposed legislation now pending. Included was a proposal authorizing wire taps on authorization of the Attorney General or in the alternative on authorization of a court.

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Due to confusion created by statements of panelists, Inspector H. L. Edwards obtained the floor and summarized the Bureau's position re FBI wire taps including the legality, specific prior authorization by the Attorney General and the types of cases wherein they are used.

INSURANCE, NEGLIGENCE, AND COMPENSATION LAW SECTION  
NOVEMBER 13, 1959

At the Southern Regional Meeting of the American Bar Association, Memphis, Tennessee, on Friday, November 13, 1959, the section of the program on Insurance, Negligence, and Compensation Law was monitored by SA Eugene G. Douglass. This meeting was presided over by Mr. John J. Wicker, Jr., Attorney-at-Law, Richmond, Virginia. Mr. Wicker introduced the Honorable Alexander Holtzoff, United States District Judge for the District of Columbia, who served as Moderator.

Judge Holtzoff stated that trial work is the cream of the lawyer's work and requires the greatest amount of talent. Judge Holtzoff stated the trial lawyer needs to know what points to stress or emphasize, and what points to dwell upon lightly, and the lawyer must do this fairly and within the framework of evidence.

He stated he feels the percentage of error in jury trials is very small.

The meeting was comprised of a discussion entitled "Drama in the Courtroom." Judge Holtzoff presented Mr. Joseph M. Best, Attorney-at-Law, Tulsa, Oklahoma, who led the discussion, pointing out the plaintiff's side of a lawsuit, and Mr. John C. Shepherd, Attorney-at-Law, St. Louis, Missouri, who presented the defendant's side of the lawsuit.

There were no references to the FBI on the part of any of the speakers or any member of the audience. None of the subject matter had a direct or indirect reference to the work of the Bureau.

The summary of pertinent information follows:

Joseph M. Best, Tulsa, Oklahoma

For Plaintiff

Mr. Best stated that the word "drama" in connection with legal proceedings means an effective presentation of a

lawsuit to the court.

Mr. Best went into detail concerning the presentation of a lawsuit and stated an attorney should be well prepared in presenting his case. He stated the most important thing in the Voir Dire examination is for the attorney to get acquainted with members of the jury. He stated the opening statement should be an outline of the steps of the lawsuit to follow, not too detailed, and something that would acquire the interest of the jury.

Mr. Best commented that when using demonstrative evidence in a trial that this evidence can be overdone on the part of an attorney. For example, he cited that an entire skeleton should not be brought into the courtroom in a case which only involves injury to a hand. He cited as an effective aid the use of a blackboard in listing doctor bills, future bills as given by witnesses when they are testifying, and other such items, and this is then left before the eyes of the jury.

Mr. Best stated that photographs are also considered drama in the court. He said the most effective presentation of an operation in showing negligence is to have a movie made of the operation which actually shows the suffering the plaintiff undergoes.

He continued that the use of words in a closing argument is most important. He cited one case in which the plaintiff had a back injury, one-eighth of an inch from the spinal cord, which, if the individual were to move one-eighth of an inch, would cause the individual to be completely paralyzed. He stated that the plaintiff's lawyer in his closing arguments referred to this back injury several times as a "time bomb" which the complainant carried around with him at all times.

Mr. Best concluded that any person who has convinced twelve people of the right side of a lawsuit in his opinion can never get this out of his system.

Mr. John C. Shepherd

For Defendant

Mr. Shepherd stated with regard to the word "drama" that he felt the Courthouse is a place where the jurors are to

decide justice. He stated he feels the word "drama" with regard to the court would be better compared to the Church rather than the stage.

Mr. Shepherd stated he considers the attorney as an officer of the court, similar to that of the judge and jurors. He stated that in preparing for trial the attorney must appeal to the emotions of the jury.

Mr. Shepherd related that in preparing for the trial the attorney should be prepared to give the complete story and not to depend on one piece of evidence building up to a dramatic climax, because the piece of evidence on which he is depending may or may not be admissible. He stated he feels the trial lawyer must know the law to defend a lawsuit properly.

He stated that in defending an automobile accident in which the plaintiff has been horribly injured, he feels the burden of proof is on the defendant.

He stated there will always be differences of opinion as to how an attorney should reach the dramatic moment in a lawsuit to make it most effective to a jury.

Mr. Shepherd stated he hopes the jury system will continue to be used in the settling of lawsuits.

Honorable Alexander Holtzoff, District Judge, District of Columbia

Moderator

Judge Holtzoff, upon conclusion of presentations by both Mr. Best and Mr. Shepherd, stated he was glad both speakers emphasized the need of preparation in a lawsuit.

Judge Holtzoff stated he felt demonstrative evidence is very important and attorneys should bear in mind that demonstrative evidence is in certain instances admissible and in other instances not admissible.

Judge Holtzoff stated he could not understand why doctors, in giving their medical testimony, cannot give their evidence in a non-technical manner which the ordinary layman could understand.

In this connection, Judge Holtzoff mentioned as an example the case involving the four Puerto Ricans who began shooting in the U. S. House of Representatives, Washington, D. C., several years ago, and at which trial Judge Holtzoff presided. He said one member of Congress was saved by the excellent work of a doctor, and when this doctor described the nature of the Congressman's injuries he did it in such a vivid manner that he held the entire Court spellbound.

At the conclusion of the remarks by Judge Holtzoff, the meeting was opened for discussion from the floor.

There were no transcripts of the speeches available.

**JUDICIAL ADMINISTRATION SECTION**  
**2:00 P.M.; November 13, 1959**

The topic of "Impartial Medical Testimony" was discussed by a panel consisting of lawyers, judges and a medical doctor. Nothing of pertinence occurred affecting the Bureau.

**PRESIDENT'S RECEPTION AND ANNUAL BANQUET**  
**6:00 P.M.; November 13, 1959**

The reception and banquet were held in the municipal auditorium. The featured speaker was Sir Harold Caccia, British Ambassador to the United States, who discussed the position of the British Commonwealth and current foreign relations problems with Russia.

# Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: November 17, 1959

FROM : Mr. F. J. Baumgardner

SUBJECT: AMERICAN BAR ASSOCIATION

REGIONAL MEETING - MEMPHIS, TENNESSEE

- 1 - Mr. Rosen
- 1 - Mr. Rowan
- 1 - Mr. Tamm
- 1 - Mr. H. L. Edwards
- 1 - Mr. Belmont

- 1 - Mr. Baumgardner
- 1 - Mr. Donohue

Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Holoman  
Gandy

Reference is made to teletype dated November 13, 1959, from ~~W. H. L.~~  
 Inspector H. L. Edwards concerning the Criminal Law Section program of the  
 American Bar Association regional meeting which was devoted to a discussion  
 of wire tapping. Samuel Dash was one of the panelists and in discussing  
 wire tapping referred to testimony of an unidentified Assistant Attorney  
 General who appeared before the Celler Committee in 1955. The Director  
 noted: "Who was it and what did he say? H." Dash also stated that the Brinks  
 case was initially solved by a private New York wire tap specialist called  
 in by Massachusetts police. The Director noted: "Is this true? H."

With respect to the testimony in 1955 it was given by Assistant  
 Attorney General Warren Olney III of the Criminal Division before the Celler  
 Subcommittee of the Committee on the Judiciary, House of Representatives,  
on March 23, 1955.

Olney appeared as the representative of the Attorney General to  
 give the views of the Department on pending wire tap legislation. He put  
 into the record a statement of the Department position on wire tapping which  
 was prepared by the Attorney General for his testimony before the subcommittee  
 of the Judiciary Committee of the Senate on April 20, 1954. Olney then  
 attempted to discuss in detail Bureau policy and procedures; however, he  
 became confused and made statements which were not true. At his request we  
 reviewed his testimony and a memorandum (which is attached) was prepared  
 under date of March 26, 1955. In addition, a memorandum (file copy attached)  
 was sent to Olney on the same date calling attention to his misstatements  
 and also furnishing him with answers to certain questions raised by the  
 Committee. The Attorney General was furnished a copy of our memorandum to  
 Olney on March 28, 1955.

EX-105

Briefly, some of Olney's inaccurate references to the FBI and his  
 lack of knowledge of FBI procedures in his testimony were: his inability to  
 furnish the answer to a question from Chairman Celler as to the number of  
 convictions for violation of Section 605 of the Federal Communications Act  
 of 1934. In our memorandum we pointed out to Olney that since the Bureau  
 assumed jurisdiction over violations of Section 605 (January 16, 1953), there  
 had been one prosecution resulting in a conviction. Olney also testified  
 that neither he nor any other attorney in the Criminal Division had seen the  
 results of an FBI wire tap. It was pointed out to Olney that this was a  
 misstatement as information which is obtained from wire taps is set forth in  
 our reports covered by a "T" symbol for security purposes and, in addition,  
 if at any time the Department is considering prosecution, the appropriate  
 Department head is advised of all the information contained in our reports.  
 Enclosures (2)

JDD:ssh

(8)

57 DEC 4 1959

INTL SEC

Memorandum for Mr. Belmont  
RE: AMERICAN BAR ASSOCIATION

which was obtained as a result of wire taps. Olney also stated in reply to a question as to whom the Director would go in the absence of the Attorney General for authority to install a wire tap, "Only the Attorney General personally." Olney was informed that while every effort is made to have the Attorney General personally authorize all wire taps, there have been a few instances where the Deputy Attorney General authorized taps in the absence of the Attorney General. The Committee asked Olney for certain general information such as; how many people in the FBI know when a wire tap is installed and Olney said he did not know. Olney was advised that only a very limited number of employees ~~are~~ aware of any Bureau wire tap such as the Special Agent who makes the tap; the Special Agent investigating the case; his superiors; the monitors; selected personnel who handle the filing of the material under a special filing system; and at the Seat of Government the supervisor directing the investigation; his superiors; the Director; the Attorney General; and selected clerical personnel. We included in our memorandum to Olney answers to questions ~~posed~~ by the Committee which were concerned with purchase of wire tap equipment; where it is maintained; from whom it is purchased; and the assistance rendered by the telephone company in our wire tapping.

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The Director inquired as to whether the statement of Dash was true that the Brinks case was initially solved by a private New York wire tap specialist called in by Massachusetts police. Our Boston Office confidentially learned in April, 1951, that the then Massachusetts Attorney General James E. Kelley, had employed one [redacted] a private New York investigator, to install some wire taps on suspects in the Brinks robbery. The late Governor of Massachusetts, Paul A. Dever, in 1951 indicated to an Agent of our Boston Office that he had read transcripts of telephone conversations and found them amusing but not particularly productive. The files of the Massachusetts State Police concerning their investigation into the Brinks robbery which we reviewed in 1951, revealed that for a 30-day period Massachusetts State Police operated a wire tap on the telephone of a Brinks suspect who was later eliminated through investigation. While the Massachusetts authorities did operate some wire taps, nothing was developed through this means which contributed to the solution of this case and the case was solved through our investigation.

ACTION:

None. Informative. ✓

SAC, Chicago (80-355)

12-7-59

REC. 38  
Director, FBI (94-1-369) - 1220

EX-100  
AMERICAN BAR ASSOCIATION (ABA)  
INFORMATION CONCERNING

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Reurlet 12-1-59.  
Rebulet to Chicago 11-18-59.

In connection with your conversation with Mr. [redacted]  
[redacted] ABA Director of Activities, and Mr. [redacted] ABA Director  
of the Law Student Program, I feel that inasmuch as there are internal  
bickering and indecision as to the type and amount of assistance they  
desire from the FBI, it is necessary to decline to cooperate in the  
preparation of an article for "The Student Lawyer."

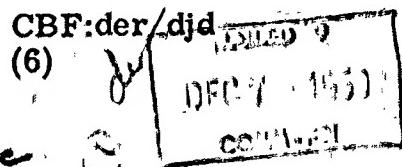
You should advise [redacted] and [redacted] that after carefully  
reviewing my forthcoming commitments and the heavy volume of  
similar requests, and in view of the fact that I shall be extremely  
busy in connection with the Appropriations Hearings after the first  
of the year, I just do not see how it will be possible to prepare the  
article which they have requested.

1 - H. L. Edwards

NOTE: See Jones to DeLoach memo dated 12-4-59 captioned  
"American Bar Association (ABA) Request for the Director to  
Prepare an Article for "The Student Lawyer."

FBI READING ROOM  
12-7-59

PW  
Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Parsons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Gandy



MAIL ROOM TELETYPE UNIT

67 DEC 8 - 1959

# Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 12/1/59

FROM : SAC, CHICAGO (80-355)      ATTN: Assistant Director  
 CARTHA D. DE LOACH  
 and  
 SUBJECT: AMERICAN BAR ASSOCIATION      Inspector H. LYNN EDWARD

(ABA)

INFORMATION CONCERNING

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
DS. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

b6

b7C

Rebulet to Chicago, 11/18/59.

On 11/24/59 [redacted] ABA Director of Activities, and his subordinate, [redacted] ABA Director of the Law Student Program, advised they would like the FBI to write an article on the subject of the relationship of the FBI to local law enforcement agencies for publication in "The Student Lawyer". The article should run approximately 4,000 words. Photographs were requested to accompany the article. In addition, the ABA representatives requested one photograph of the Director of the FBI and a biographical sketch which, under the photograph, would be a preamble to the article in the publication. The described materials should be made available to the ABA by February 15, 1960, so that it may be published in the March, 1960, issue of the magazine.

During the same conversation, [redacted] requested arrangements be made so that between 150 and 200 leaders of the ABA's Law Student Organization may be afforded a tour of Bureau facilities on Wednesday afternoon, 8/31/60. In addition, [redacted] requested the Director of the FBI address the group at a luncheon which is to be held at the Willard Hotel, Washington, D.C., at 12:30 pm, 8/31/60.

After [redacted] orally made this request, [redacted] instructed him to withdraw the request in that at the present time [redacted] does not know what the specific itinerary will be of other ABA organizations at the annual convention of the ABA in 1960. [redacted] voiced the opinion that possibly the Director of the FBI would be requested to speak before a much larger group. During the conversation [redacted] did not state or profess he already requested the Director to speak.

(3) Bureau (Encl. 29(AM)(RM))  
 1 - Chicago  
 DFB:tmk  
 (4)

REC-38

94-1-24-1220

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 FBI Chicago 12-4-39  
 FBI Chicago 12-4-39

FBI CHICAGO

CG 80-355

Enclosed herewith is a memo of SA [redacted] to the SAC at Chicago, dated February 4, 1959, which shows information obtained from [redacted] on February 3, 1959, concerning his request to the Director to speak before an ABA group. The Chicago copy of the memo indicates a copy of the memo was sent to the Bureau on February 6, 1959.

[redacted] During the same conversation on 11/24/59, [redacted] stated and [redacted] later corroborated his remarks that eventually "The Student Lawyer" would like to publish a text from a series of articles by the Director of the FBI concerning various subjects of interest to attorneys.

[redacted] requested that the FBI write a series of articles and that they be published in "The Student Lawyer".

[redacted] again interceded and instructed [redacted] not to become too involved in this case and that he should wait until the ABA could determine the response and interest to the article written by the Director, which is to be published in the March, 1960, issue of "The Student Lawyer".

The above information is being set forth in detailed form, so as the appropriate Bureau officials may be able to evaluate ABA policy and objectives.

Enclosed herewith is one copy of the "American Bar News" dated 11/15/59 which on the front page displays a photograph of the Director of the FBI and the president of the ABA. Should Bureau officials desire copies of the photograph, the Bureau is requested to state how many are needed.

Should the Bureau be unable to furnish the necessary material for the article by 2/15/60, the Bureau is requested to advise the Chicago Office when the material will be available so the ABA may be appropriately advised.

ENCLOSURES TO BUREAU: 1 copy "American Bar News" dated 11/15/59.  
1 copy of memo of SA [redacted] to SAC, Chicago, dated 2/4/59.

I think we should decline. We didn't promote this & they seem to be ungrateful as to whether they really want it.

**ENCLOSURE**

**ENCLOSURE**

W-1-264-1228

TRUE COPY

# Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, CHICAGO (80-355)

DATE: 2/4/59

b6  
b7C

FROM : SA [redacted]

SUBJECT: AMERICAN BAR ASSOCIATION  
1960 ANNUAL CONVENTION TO BE  
HELD AT WASHINGTON, D.C.

On 2/3/59 Mr. [redacted] Director of the Law Student Program, American Bar Association (ABA), 1155 E. 60th St., Chicago, Illinois, advised that ABA's annual convention for the year 1960 is to be held at Washington, D.C., during August, 1960. Mr. [redacted] stated he has written to J. EDGAR HOOVER, Director, FBI, requesting him to speak before the convention. [redacted] advised he received a reply which in effect did not specifically state whether or not Mr. HOOVER could comply with the ABA request.

Mr. [redacted] expressed the desire to be of assistance to the FBI and has been cooperative in the past in regard to ascertaining information concerning the ABA Law Student Program on a national level.

CG indices searched on 2/4/59 were negative regarding [redacted]

DFB:tmk  
(2)TRUE COPY~~ENCLOSURE~~

## WANTED: YOUR IDEAS ON 'KEY' TO ELECTRONIC LAW RESEARCH

ON THE BASIS of "valuable explorations" thus far, an American Bar Association committee is convinced that punch-card and electronic computer machines have an "immense" potential for helping lawyers in their daily practice by making legal research faster and easier.

So convinced is the committee that such machines are a "natural tool of the law" that they now are calling upon lawyers and judges everywhere for ideas and suggestions as to how to achieve the needed big breakthrough—deciding just what it is that lawyers want the machines to do.

The ABA committee, known as the Committee on Electronic Data Retrieval, has just begun publication of a quarterly newsletter called "MULL" (Modern Use of Logic in Law) under the editorship of Prof. Layman B. Allen of the Yale law school. It is intended to stimulate more lawyer thinking and suggestions for tackling the basic problems involved. The committee is a part of the Section of Bar Activities. Its chairman is Richard F. C. Hayden of Los Angeles.

Vincent P. Biunno of Trenton, N.J., counsel to Governor Meyner of that state and a member of the ABA committee, said in a recent paper on the subject that the big problem now is for the profession to decide upon a "concept of relevance" that will put the mass of legal precedents on any given subject into a form that can be located instantly by the punch card machines.

"The most important part of the problem is to decide how to put our legal materials into a form that can be handled by these incredibly rapid and accurate, but stupid machines," Biunno said. "We are up to our eyelashes in computer experts, but they are all powerless to help until we decide, as a profession, how we should go about doing legal research effectively and efficiently. This is a problem strictly for lawyers . . . Our bottleneck in putting electronic machines to work for us is that we have to make up our minds, in rather specific detail, what it is we want the machines to do. The computer people assure us that once we can supply an operational description they can select or design the necessary equipment."

"What is needed is a thorough-going analysis of the step-by-step method by which a lawyer locates precedents about which he has a personal recollection. It comes to a dissection of the mental processes of recall. The significant concept which needs to be developed is the concept of relevance. The mental process is believed to be similar

to the common experience of listening to a melody and almost instantaneously observing that a few notes or passages are the same as, or similar to, those in another melody heard at a different time or place."

Biunno said it also is similar to matching up what a lawyer hears about a given problem "with his own mental record of what he has heard or read at some other place and time." Once the key to matching these identical or similar "relevant" items is found, other pieces of the jigsaw could be expected to fall into place.

It has been about six years since the legal profession first started thinking in terms of electronic aids. Biunno believes it will be a long time before any lawyer can push buttons on his desk and have printed slips with citations pop out of a slot. But he adds that there is no doubt that legal research in the future will be immensely simplified and speeded up by electronic devices.

"It is quite safe to say the machines will not replace any human being," he predicts. "What will happen is that lawyers and judges will do their work in a somewhat different and more satisfying way. The jury will continue to decide imponderable issues of fact as it always has."

"Perhaps the best way to describe these machines from a lawyer's point of view is to say that they are books with a memory. Think of them as books to which you can put the question: 'Do you have anything within your covers that would tell me whether a corporation may issue stock to its employees as part of a pension or bonus system?' And if it does, a little flag would go up at the page in each book where something on that subject appeared. The machines do not talk; they do not think; they do not tell what the law is, or how your case will come out when you try it. They merely record, 'remember,' and when you ask they 'listen' and mutely point to a book and page."

(Lawyers interested in receiving the publication MULL regularly may subscribe at \$2 per year, or \$5 for three years, by writing to: MULL, Attn. Prof. Allen, Yale Law School, New Haven, Conn.)

### American Bar News

Published monthly for members of the American Bar Association, to inform them of Association activities and related bar events.

Editor: Don Hyndman, Director of  
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American Bar Association  
1155 East 60th St., Chicago 37, Ill.

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November 15, 1959  
Vol. 4 No. 11  
American Bar Association

# American Bar News

a monthly news bulletin of the American Bar Association

Vol. 4 No. 11

Nov. 15, 1959

## Policy Issues Decided By Board of Governors

AT A BUSY FALL meeting held in the American Bar Center in Chicago Oct. 29-30, the Board of Governors of the Association took these actions:

• Approved and authorized presentation to Congress of joint recommendations of the special committees on Communist Tactics, Strategy and Objectives, and on Individual Rights as Affected by National Security, calling for new legislation covering passport control and federal employee security procedures.

• Referred to the Rules and Calendar committee for study and recommendation a proposal to establish "associate" memberships in the American Bar Association for lawyers in the free nations of the world. The suggestion came from a judge in Hyderabad, India, and evoked the view among some Board members that a considerable number of Bar members in the English speaking and other free nations probably would be interested in becoming associate members of ABA, and that this might prove helpful in furthering the Association's work in international law fields.

• Voted to proceed with the construction of the new addition to the American Bar Center and authorized execution of a long-term lease with the American Bar Foundation.

• Authorized an application for foundation financing of the preliminary phase of a two-stage study to provide reliable data on the question whether photography in courtrooms affects fair trial. Six national press, radio and TV industry associations would join ABA in seeking the financing.

• Approved plans for a stepped-up membership campaign on a selective geographical basis during the current Association year, and authorized the appointment of a special committee to encourage members of corporate law departments to affiliate with ABA.



J. Edgar Hoover Joins ABA

President Randall (left) is shown presenting American Bar Association membership certificate to FBI Director Hoover in Washington Nov. 4. Presentation was made at FBI National Academy graduation exercises before 1,800 persons. President Randall addressed the graduating class.

• Accepted the invitation of San Francisco bar associations to hold the 1962 ABA annual convention in that city. The Board also decided that at the Washington, D. C., annual meeting in 1960 registrations will be restricted to members of the Association, invited guests, bar secretaries, exhibitors, and the news media.

Agreement by the Communist Tactics and Individual Rights committees on the passport and federal employee security issues resolved a conflict that had developed prior to the August annual meeting. At that time, the two committees made separate and in some respects conflicting recommendations.

But, at a joint meeting in September held at the suggestion of the Board of Governors, the two committees agreed on a consolidated report which contained these

(Continued on Page 3)

## TEN CITIES OFFER TO HELP HOST BRITISH VISITORS; 750 EXPECTED

LAWYERS IN AT LEAST ten cities, in addition to Washington, D. C. where the Association's 1960 annual meeting will be held, have offered private home hospitality to the expected 750 British barristers and solicitors who will be coming to the United States next August for the ABA meeting and the British Commonwealth Conference at Ottawa in September.

Cooperating with the American Bar Association in coordinating the extensive hospitality arrangements are the bar associations in New York, Boston, Philadelphia, Baltimore, Richmond, Atlanta, Cleveland, Detroit, Pittsburgh and Chicago. They've agreed to entertain groups of the visitors for periods of three or four days in the interim between the ABA meeting, ending September 2, and Sept. 14, when most of the British lawyers will be leaving for the conference in Ottawa.

In each of the host cities men's and women's activities

committees already are at work on plans for private and semi-private hospitality. In most cities, there will be one large event such as a reception or dinner.

While they are in Washington during the period of Aug. 28 to Sept. 2 most of the visitors will be guests in the homes of lawyers in the District of Columbia and adjoining areas. Then, during the next two weeks, it is planned to enable them to visit such other cities as they prefer. The preferences of the British as to cities they wish to visit will be ascertained by means of a questionnaire to be distributed to them in early January. The numbers expected to be accommodated at a given time in each city range upward from 100. The estimate as to the 750 visitors includes wives of the barristers and solicitors.

Whitney North Seymour, of New York, the Association's President-elect, is chairman of the committee coordinating the hospitality arrangements.

## Corporate Laws Study Approaches Completion

A FOUR-YEAR project of research by the American Bar Foundation, an analysis and annotation of the general corporation statutes of the 50 states, the District of Columbia and Puerto Rico, is now approaching completion. The work has been done at the American Bar Center. It is scheduled for publication in the fall of 1960 by a leading law book publisher, at which time it will become available to lawyers, legislators and business firms. It will be a volume of about 1,600 pages.

In 1946, after years of intensive work, a "Model Business Corporation Act" was drafted and presented to the Section of Corporation, Banking and Business Law by the section's Committee on Corporate Laws. In 1952, a "Model Non-Profit Corporation Act" was published by the committee.

Both of these model acts have been widely utilized. The Business Corporation Act has been followed in Wisconsin (1951), Oregon (1953), District of Columbia (1954), Virginia and Texas (1955), Alaska and North Dakota (1957), Colorado (1958), and Iowa (1959) and extensively used in the acts of Maryland (1953) and North Carolina (1955). The Non-Profit Act has been employed in the non-profit statutes of Wisconsin (1953), Alabama and Ohio (1955), Virginia and North Carolina (1956), Texas, Nebraska, North Dakota and Oregon (1959). Very similar acts are in force in Illinois and Missouri.

In order to make the Model Business Corporation Act more useful, the Foundation was asked by the ABA Section in 1956 to prepare annotations to the act. The work is expected to be completed by June 30, 1960. It will embrace reports on each section of the act. Each of the reports will be divided into six sections and will provide corporate lawyers for the first time the following pertinent information:

- a) A comparison of each section of the act with the comparable provisions in the statutes of all the states, the District of Columbia and Puerto Rico.
- b) A brief analysis of the relevant statutes.
- c) An analysis of pertinent court decisions.
- d) General comment on the current status of the law.
- e) An extensive bibliography to text and other sources.
- f) A listing of relevant statutes in all the American jurisdictions.

The project was made possible by contributions from large law firms and corporations.

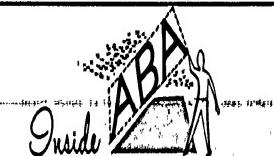
## Section Chairmen Hear Plans For Strong Regional Programs

Plans to insure top quality programs for the two regional meetings of the American Bar Association held each year were discussed at the annual section chairmen's conference held in Chicago October 31. This is the briefing session at which the newly elected section chairmen meet with ABA officers and staff members to consider various points of Association procedure and coordination.

Under the plan informally approved by the conference the various sections will uniformly endeavor to obtain nationally prominent speakers for regional meeting seminars and workshop programs. Following this month's Southern regional meeting in Memphis, which was expected to be one of the largest and best thus far, the next regional events will be in Portland, Ore., next May 22-23 and in Houston, Tex., Nov. 9-12, 1960.

## New ABA Pamphlet Offers Law Office Floor Plans

Distribution began this month of the fourth pamphlet in the ABA "Economics of Law Practice" series. Its title is *Law Office Layout and Design*, and it includes floor plans, designs and suggestions for law offices of various sizes. The pamphlet was prepared by the American Institute of Architects in cooperation with ABA's special Committee on Economics of Law Practice under the chairmanship of John C. Satterfield of Yazoo City, Miss. The pamphlet was printed by the Bobbs-Merrill Co., Inc., as a service to the Association and to the legal profession. The pamphlet is being mailed to all Association members.



THE AMERICAN BAR ASSOCIATION'S oldest member, S. Palmer Gaillard, Sr., of Mobile, Ala., died at the age of 103 on October 17. He had been a practicing attorney 78 years and also had banking and business interests.

The Ford Foundation formally announced Nov. 5 a grant of \$25,000 to further the work of the ABA special Committee on World Peace Through Law. Walter E. Allessandrini, member of the ABA House of Delegates and, at age 46, the youngest chancellor in the history of the Philadelphia Bar Association, is the new U. S. Attorney for the eastern district of Pennsylvania. He was sworn in Oct. 19. His term as chancellor of the Philadelphia Bar ends Jan. 1 and he will be succeeded in that office by Vincent P. McDevitt, a former member of the ABA Board of Governors.

Harold A. Smith, Chicago lawyer who is chairman of the American Bar Foundation committee directing a research study of the administration of criminal justice, has been appointed by Secretary of State Herter as a U. S. member of the Permanent Court of Arbitration at The Hague. The court decides international disputes arising under the Hague conventions of 1899 and 1907. Smith's term runs to 1965.

For the eighth consecutive year, Martindale-Hubbell, Inc., is making 17,000 copies of the ABA Canons of Ethics pamphlet available to law school freshmen in approved schools through the ABA-sponsored American Law Student Association.

A new system of scheduling speaking engagements of the American Bar Association President is being put into effect. All invitations henceforth will be channeled through the Executive Director and a subcommittee of the Board of Governors, the object being to cut down on travel overlaps and achieve the best possible geographical distribution of the President's appearances.

## HEAVY DEMAND FOR NEW FILM

The Washington office of the ABA has experienced a heavy demand for the new 11-minute color film in which Senator Smathers (D-Fla.) explains the facts about the Smathers-Morton-Keogh-Simpson bill to encourage individual retirement programs of self-employed persons.

Some state and local bar associations have indicated an interest in purchasing a copy of the picture. It can be bought for \$44.00. Orders for purchase should be sent to the American Thrift Assembly, 1025 Connecticut Ave., N. W., Washington 6, D. C.

## People and Events in the news

TWO MORE STATE bar associations—those of Colorado and New Mexico—have voted to establish clients' security funds. Colorado's plan will be called the "Lawyers Fidelity Fund" and will start with a \$5,000 first year appropriation to be administered by a special committee of five. In New Mexico, the state bar voted Oct. 24 to authorize the implementation of a client indemnity fund by the Board of Commissioners. The New Mexico plan involves establishing the fund out of dues paid by all lawyers to the integrated state bar, but amounts and limitations are yet to be established.

The second half of a \$352,000 libel suit brought by columnist Drew Pearson against Loyd Wright, former ABA president, was dismissed last month by U. S. District Judge Richmond B. Keech in Washington, D. C. The court held that a press release issued by then Chairman Wright of the federal Commission on Government Security, in which Pearson claimed he was libeled, was privileged in the light of a decision of the U. S. Supreme Court last June. Another portion of the suit involving a letter written by Mr. Wright

had been dismissed earlier. Henry P. Chandler, one-time Chicago Bar Association president who retired in 1936 as director of the administrative office of the United States courts, has become the first administrator of the Illinois courts by appointment of the state supreme court under a new state law. He will hold the post until September of 1960, at which time it will be taken over by Albert J. Harno, former University of Illinois law school dean and now a member of the faculty of Hastings college of law in California. Harno is a former member of the ABA Board of Governors. John C. Fitzgerald has taken a two year leave of absence as dean of law at Loyola university in Chicago to be deputy administrator for the courts in Cook County. Illinois is the 20th state to establish the office of courts administrator, under a law giving the supreme court jurisdictional authority over the lower courts.

Majority editorial opinion in leading newspapers throughout the country has been strongly in support of the report, published last month by a committee of the ABA International and Comparative Law section, urging Congress to withdraw the Connally reservation by which the U. S. limits its adherence to the International Court of Justice. The New Mexico State Bar, at its annual convention Oct. 24, adopted a formal resolution favoring repeal.

When the University of Michigan law school bestowed a dozen honorary doctor of law degrees in connection with its centennial last month, one of them, to Chief Justice John R. Dethmers of the Michigan supreme court, had to be presented in special ceremonies at a Lansing hospital where Judge Dethmers was taken for an emergency appendectomy. Others receiving the honorary degrees included Justice John M. Harlan of the U. S. Supreme Court; Governor Williams of Michigan; Edgar N. Eisenhower, and Deans Erwin N. Griswold of Harvard and Edward H. Levi of the University of Chicago.

## \$800,000 Grant For Model Legal Aid Clinics

THE LARGEST SINGLE grant for a legal aid activity ever made in the U. S. has just been announced by the Ford Foundation. It is in the sum of \$800,000 for a seven-year program of establishing "model" legal aid clinics and internship programs at a dozen law schools still to be selected.

The grant was made to the National Legal Aid and Defender Association, with headquarters in the American Bar Center. The Ford Foundation said the objective of the clinics is "to give direct educational experience in the public and social aspects of law and the lawyer's role in society." In each selected law school a faculty member will develop and conduct the program, using the legal aid clinic as a teaching device as well as to provide internship opportunities to law students.

Expenditure of the earmarked funds will be supervised by an advisory council headed by Orison S. Marden of New York, immediate past president of NLADA. The program will be carried out, the Ford Foundation announcement said, in cooperation with the American Bar Association and the Association of American Law Schools.

## Policy Issues Decided By Board

*(Continued from Page 1)*

statements and recommendations:

**Passport Control** The report said "freedom to travel abroad should be limited only to the extent that it is clearly shown to be regulated in the interest of national security." The committee urged Congress to direct the State Department to establish a "passport hearing board" before which persons denied passports would have the opportunity to testify and present evidence. The applicant would have the right to confront and cross-examine witnesses and examine documentary evidence bearing on his case, except where the Secretary of State personally certified that disclosure of this information would do "serious damage to national security or the conduct of foreign relations."

**Employee Security** The report said present federal laws in this field are "not adequate." Without proposing that present loyalty-security procedures applying only to "sensitive" positions be extended to all federal employees, the committee said "comprehensive legislation" should be enacted to "establish specific standards and criteria defining sensitive and nonsensitive government positions, and prescribe adequate administrative procedural safeguards for the hearing and review of (loyalty-security discharge) cases, including a broad, but not unlimited, right of confrontation." However, the report said federal employment should be treated as "a privilege and not a right" and added that "the American Bar Association believes that the American public is entitled to the services of loyal and suitable employees without regard to whether (they are) employed in sensitive or nonsensitive positions." The report said in its consideration of new legislation Congress should give "serious consideration" to recommendations contained in the 1957 report of the federal Commission of Government Security, headed by former ABA president Loyd Wright of Los Angeles.

All members of the two committees signed the report. The respective chairmen are Henry J. Te Paske, Orange City, Ia., of the Communist Tactics Committee, and George S. Geffs, Janesville, Wis., of the Individual Rights Committee. E. Dixie Beggs, of Pensacola, Fla., was the Board of Governors coordinating committee chairman.

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

NOV 13 1959

**TELETYPE**

~~URGENZ~~ 11-13-59 8-35 PM CST JWB

~~TO DIRECTOR, FBI~~

FROM INSPECTOR H. L. EDWARDS

AMERICAN BAR ASSOCIATION REGIONAL MEETING, MEMPHIS, TENN.

THIS IS SUMMARY OF ACTIVITIES HELD EVENING OF NOV. TWELVE,  
AND FRIDAY, NOV. THIRTEEN. FAMILY LAW SECTION PROGRAM  
DEVOTED EXCLUSIVELY TO MARRIAGE PROBLEMS WITH EMPHASIS ON  
DIVORCE AND RECONCILIATION MATTERS. ONE OF THE PANELISTS

WAS [REDACTED] WHO HEADS OKLA. CITY FAMILY CLINIC. HE MADE FAVORABLE REFERENCE TO DIRECTOR BY EMPHASIZING MAGNITUDE OF JUVENILE DELINQUENCY WHICH, ACCORDING TO DIRECTOR, PARALLELS THE DIVORCE PROBLEM. AT THE SECTION-S BUSINESS SESSION, ABA PRES. RANDALL LAID THE GROUNDWORK FOR GIVING BUREAU REPRESENTATIVE OPPORTUNITY TO ACTIVELY PARTICIPATE IN JUVENILE DELINQUENCY WORK OF SECTION. EDWARDS FOLLOWED THIS UP AFTER EVENING PROGRAM BY DISCUSSION WITH SECTION CHAIRMAN. AT

~~AMERICAN JUDICATURE SOCIETY BREAKFAST FRIDAY MORNING, DEAN OF  
UNIV. OF MICH. LAW SCHOOL, E. BLYTHE STASON, SPOKE ON TOPIC  
OF "LAW AND ADMINISTRATION OF JUSTICE IN THE SOVIET UNION."~~

MR. DELOACH

TWO

PAGE TWO

TALK BASED ON STASON'S TOUR OF RUSSIA IN NINETEEN FIFTY EIGHT AS SPECIAL CONSULTANT IN STATE DEPT. SPONSORED GROUP. STASON EMPHASIZED THAT FOLLOWING THE OCT. REVOLUTION THE ADMINISTRATION OF JUSTICE IN RUSSIA UNDERWENT COMPLETE TRANSFORMATION WITH ALL POWERS CENTRALIZED IN COMMUNIST PARTY. AS EXAMPLES, HE STATED SEPARATION OF EXECUTIVE, JUDICIAL AND LEGISLATIVE POWERS NONEXISTENT THERE. ALSO THAT COURTS EXIST ONLY AS PART OF COMMUNIST ADMINISTRATIVE MACHINERY. CRIMINAL LAW SECTION PROGRAM DEVOTED EXCLUSIVELY TO LIVELY DISCUSSION AND DEMONSTRATION OF WIRE TAPPING AND MECHANICAL SURVEILLANCES.

RUFUS KING WAS CHAIRMAN OF DISCUSSION. PANELISTS WERE SAMUEL DASH, FORMER DIST. ATTORNEY IN PHILDELPHIA AND NOW IN PRIVATE LAW PRACTICE THERE, EDWARD S. SILVER, DISTRICT ATTORNEY OF KINGS COUNTY, BROOKLYN, AND PRESIDENT OF NATIONAL ASSN. OF DIST. ATTORNEYS, AND RAY H. JENKINS, FORMER SENATE COUNSEL IN ARMY-MC CARTHY HEARINGS AND NOW IN PRIVATE LAW PRACTICE AT KNOXVILLE. DASH EXHIBITED COPIES OF HIS NEWLY PUBLISHED BOOK ENTITLED "THE EAVESDROPPERS," EXPLAINED BACKGROUND OF RESEARCH AND PREPARATION OF BOOK, DISTINGUISHED BETWEEN WIRE

P2  
TEN

PAGE THREE

TAPPING AND OTHER ELECTRONIC EAVESDROPPING COMMONLY CALLED "BUGGING," REVIEWED FEDERAL AND STATE LEGISLATION AGAINST WIRE TAPPING, CONCLUDING STATE LAWS ARE ACTUALLY A "CRAZY QUILT." STATED FEDERAL LAW HAS BEEN WEAKENED BY INTERPRETATION OF ATTORNEY GENERAL WHICH REQUIRES BOTH INTERCEPTION AND DIVULGING, THUS IN EFFECT PERMITTING WIRE TAPPING BY FEDERAL AGENCIES WHERE INFORMATION IS USEABLE WITHIN AGENCY AS INVESTIGATIVE AID, THEORY BEING INTRA-AGENCY DIVULGANCE, NOT A VIOLATION SECTION SIX ZERO FIVE OF FEDERAL COMMUNICATIONS ACT. DASH CITED MAJOR SUPREME COURT DECISIONS ON SUBJECT. CONCLUDED THAT LAW ENFORCEMENT CONTENDS WIRE TAPPING IS VERY USEFUL DEVICE WHICH HAS BROUGHT GREAT RESULTS. HOWEVER, DASH CREATED IMPRESSION THAT WIRE TAPPING HAS BECOME INCREASINGLY WIDESPREAD THROUGHOUT LAW ENFORCEMENT AT ALL LEVELS, AND HE EMPHASIZED THAT IT HAS BECOME A PRIVATE LUCRATIVE BUSINESS OF SIZEABLE PROPORTIONS. DASH MADE NO RECOMMENDATIONS TO CONTROL WIRE TAPPING BUT INDICATED ATTENTION SHOULD BE GIVEN TO THE WIDE-SPREAD PRACTICE OF OTHER ELECTRONIC EAVESDROPPING AGAINST WHICH NO LEGISLATION EXISTS. DASH STATED FBI ENGAGES IN WIRE

*in the way of*  
*more info.*  
*now*

PAGE FOUR

TAPPING BUT NOT FOR PURPOSE OF DIVULGING RESULTS OUTSIDE ORGANIZATION OR IN TRIALS. HE DID NOT REFER TO ANY STATEMENT OF DIRECTOR CONCERNING FBI POLICY BUT REFERRED TO TESTIMONY OF UNIDENTIFIED ASSISTANT ATTORNEY GENERAL BEFORE CELLER COMMITTEE IN NINETEEN FIFTYFIVE. DASH ALSO STATED BRINKS CASE WAS INITIALLY SOLVED BY PRIVATE NEW YORK WIRE TAP SPECIALIST CALLED IN BY MASS. POLICE. RAY JENKINS TOOK POSITION COMPLETELY OPPOSED TO ALL EAVESDROPPING. CONTENDED IT VIOLATED FOURTH AMENDMENT, THAT IT WAS A DIRTY PRACTICE COMPLETELY OPPOSED TO THE SPIRIT AND LETTER OF THE MAGNA CHARTA SEVEN HUNDRED YEARS AGO. JENKINS REFERRED TO FBI AND DIRECTOR AS REPRESENTING THE MOST OUTSTANDING LAW ENFORCEMENT GROUP IN THE LAND AND STATED HE FELT THE FBI HAD SUFFICIENT INGENUITY AND RESOURCEFULNESS, AS EVIDENCED BY ITS PERFECT RECORD OF ACHIEVEMENT, TO ENABLE IT TO SECURE ANY INFORMATION REQUIRED TO SOLVE CASES WITHOUT NECESSITY OF WIRE TAPPING. HE DESCRIBED WIRE TAPPING AS "LAZY MAN-S DEVICE." SILVER SPOKE IN SUPPORT OF LAW ENFORCEMENT, CONTENDING WIRE TAPPING IS ESSENTIAL INVESTIGATIVE TOOL AND SHOULD BE PERMITTED UNDER

f

*last time?*  
*as*

PAGE FIVE

THE CONTROL WHICH HE ADVOCATES AS A LEGISLATIVE REQUIREMENT,  
NAMELY TO REQUIRE LAW ENFORCEMENT TO FIRST PROCURE COURT  
ORDER BASED ON ADEQUATE JUSTIFICATION FOR EACH WIRE TAP.  
SILVER CITED THE THREAT OF ORGANIZED CRIME AND RACKETEERING  
AS EXEMPLIFIED BY APPALACHIAN MEETING. STATED THE USE OF WIRE  
TAPS BY RACKETEERS IS KNOWN AND CONTENDED LAW ENFORCEMENT  
SHOULD NOT BE DEPRIVED OF THIS DEVICE WHERE FREQUENTLY ESSENTIAL  
INVESTIGATIVE LEADS OR EVIDENCE NOT OTHERWISE OBTAINABLE.  
DURING AUDIENCE PARTICIPATION FOLLOWING PANEL PRESENTATIONS,  
CHARLES SLAYMAN, STAFF COUNSEL WITH SENATOR HENNING-S  
COMMITTEE, COMMENTED ON PROPOSED LEGISLATION, AMONG WHICH WAS  
MENTIONED PROPOSAL TO LEGALIZE FEDERAL WIRE TAPPING ON APPROVAL  
OF ATTORNEY GENERAL, AND AN ALTERNATIVE TO PERMIT IT ON PRIOR  
PROCUREMENT OF COURT ORDER. IN VIEW OF STATEMENTS BY PANELISTS  
CREATING CONFUSION CONCERNING FBI POLICY AND EXTENT OF WIRE  
TAPPING, EDWARDS TOOK FLOOR AND SUMMARIZED PUBLIC SOURCE  
STATEMENTS AS FOLLOWS. HE STATED FBI DOES NOT VIOLATE FEDERAL  
LAW IN ITS WIRE TAPPING, THAT DIRECTOR IS STRONGLY OPPOSED TO  
INVASIONS OF INDIVIDUAL LIBERTIES AND RIGHT OF PRIVACY, THAT

*This is gratifying. How often one pre-  
anted such a summary statement.*

PAGE SIX

BUREAU HAS RESPONSIBILITY FOR INVESTIGATING VIOLATIONS OF SECTION SIX ZERO FIVE OF FEDERAL COMMUNICATIONS ACT, THAT FBI DOES A VERY LIMITED AMOUNT OF WIRE TAPPING BUT ONLY ON THE PRIOR SPECIFIC WRITTEN APPROVAL OF ATTORNEY GENERAL AND ONLY IN TWO CATEGORIES OF CASES, NAMELY, KIDNAPINGS AND OTHER SERIOUS CRIMES WHERE LIFE OF INNOCENT VICTIM AT STAKE, AND ESPIONAGE CASES AND OTHER INVESTIGATIONS INVOLVING INTERNAL SECURITY OF COUNTRY. FURTHER, THAT FBI POLICY DATES BACK TO AUTHORITY GIVEN ATTORNEY GENERAL BY PRES. ROOSEVELT NINETEEN YRS. AGO AND THAT IN NO CASE DOES THE DIRECTOR OR ANY FBI AGENT HAVE AUTHORITY TO INITIATE ANY WIRE TAP EXCEPT ON PRIOR AUTHORIZATION AS INDICATED. NO PERTINENT OCCURRENCES AT AFTERNOON SESSIONS. FOR INFORMATION OF DIRECTOR, JUDGE HOLTZOFF MODERATED PROGRAM OF COMMITTEE ON TRIAL TACTICS, WHICH WAS WELL ATTENDED AND RECEIVED EXCELLENT AUDIENCE REACTION.

END AND ACK PLS

9-55 PM OK FBI WA WS

*cc - M DeLoach*

TU DISC

00-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

The attached was sent to the Director from the American Bar Association, 1155 East 60th Street, Chicago 37, Illinois.

The Director's picture appears on the front page of the attached paper.

Mr. Tolson   
Mr. Belmont   
Mr. DeLoach   
Mr. McGowen   
Mr. Mohr   
Mr. Parsons   
Mr. Rosen   
Mr. Tamm   
Mr. Trotter   
Mr. Jones   
Mr. W.C. Sullivan   
Tele. Room   
Miss Holmes   
Miss Gandy

bak

Bar Association - National

(6)

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ENCLOSURE

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CRIME REC

94-1-369-1222

## WANTED: YOUR IDEAS ON 'KEY' TO ELECTRONIC LAW RESEARCH

ON THE BASIS of "valuable explorations" thus far, an American Bar Association committee is convinced that punch-card and electronic computer machines have an "immense" potential for helping lawyers in their daily practice by making legal research faster and easier.

So convinced is the committee that such machines are a "natural tool of the law" that they now are calling upon lawyers and judges everywhere for ideas and suggestions as to how to achieve the needed big breakthrough—deciding just what it is that lawyers want the machines to do.

The ABA committee, known as the Committee on Electronic Data Retrieval, has just begun publication of a quarterly newsletter called "MULL" (Modern Use of Logic in Law) under the editorship of Prof. Layman B. Allen of the Yale law school. It is intended to stimulate more lawyer thinking and suggestions for tackling the basic problems involved. The committee is a part of the Section of Bar Activities. Its chairman is Richard F. C. Hayden of Los Angeles.

Vincent P. Biunno of Trenton, N.J., counsel to Governor Meyner of that state and a member of the ABA committee, said in a recent paper on the subject that the big problem now is for the profession to decide upon a "concept of relevance" that will put the mass of legal precedents on any given subject into a form that can be located instantly by the punch card machines.

"The most important part of the problem is to decide how to put our legal materials into a form that can be handled by these incredibly rapid and accurate, but stupid machines," Biunno said. "We are up to our eyelashes in computer experts, but they are all powerless to help until we decide, as a profession, how we should go about doing legal research effectively and efficiently. This is a problem strictly for lawyers . . . Our bottleneck in putting electronic machines to work for us is that we have to make up our minds, in rather specific detail, what it is we want the machines to do. The computer people assure us that once we can supply an operational description they can select or design the necessary equipment."

"What is needed is a thorough-going analysis of the step-by-step method by which a lawyer locates precedents about which he has a personal recollection. It comes to a dissection of the mental processes of recall. The significant concept which needs to be developed is the concept of relevance; the mental process is believed to be similar

to the common experience of listening to a melody, and almost instantaneously observing that a few notes or passages are the same as, or similar to, those in another melody heard at a different time or place."

Biunno said it also is similar to matching up what a lawyer hears about a given problem "with his own mental record of what he has heard or read at some other place and time." Once the key to matching these identical or similar "relevant" items is found, other pieces of the jigsaw could be expected to fall into place.

It has been about six years since the legal profession first started thinking in terms of electronic aids. Biunno believes it will be a long time before any lawyer can push buttons on his desk and have printed slips with citations pop out of a slot. But he adds that there is no doubt that legal research in the future will be immensely simplified and speeded up by electronic devices.

"It is quite safe to say the machines will not replace any human being," he predicts. "What will happen is that lawyers and judges will do their work in a somewhat different and more satisfying way. The jury will continue to decide imponderable issues of fact as it always has."

"Perhaps the best way to describe these machines from a lawyer's point of view is to say that they are books with a memory. Think of them as books to which you can put the question: 'Do you have anything within your covers that would tell me whether a corporation may issue stock to its employees as part of a pension or bonus system?' And if it does, a little flag would go up at the page in each book where something on that subject appeared. The machines do not talk; they do not think; they do not tell what the law is, or how your case will come out when you try it. They merely record, 'remember,' and when you ask they 'listen' and mutely point to a book and page."

(Lawyers interested in receiving the publication MULL regularly may subscribe at \$2 per year, or \$5 for three years, by writing to: MULL, Attn. Prof. Allen, Yale Law School, New Haven, Conn.)

## American Bar News

Published monthly for members of the American Bar Association, to inform them of Association activities and related bar events.

Editor: Don Hyndman, Director of Public Relations  
American Bar Association  
1155 East 60th St., Chicago 37, Ill.

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American Bar Association  
1155 East 60th Street, Chicago 37, Ill.

JOHN EDGAR HOOVER  
F B I  
WASHINGTON 25 D C

DIRECTOR

# American Bar News

a monthly news bulletin of the American Bar Association

Vol. 4 No. 11

Nov. 15, 1959

## Policy Issues Decided By Board of Governors

AT A BUSY FALL meeting held in the American Bar Center in Chicago Oct. 29-30, the Board of Governors of the Association took these actions:

• Approved and authorized presentation to Congress of joint recommendations of the special committees on Communist Tactics, Strategy and Objectives, and on Individual Rights as Affected by National Security, calling for new legislation covering passport control and federal employee security procedures.

• Referred to the Rules and Calendar committee for study and recommendation a proposal to establish "associate" memberships in the American Bar Association for lawyers in the free nations of the world. The suggestion came from a judge in Hyderabad, India, and evoked the view among some Board members that a considerable number of Bar members in the English speaking and other free nations probably would be interested in becoming associate members of ABA, and that this might prove helpful in furthering the Association's work in international law fields.

• Voted to proceed with the construction of the new addition to the American Bar Center and authorized execution of a long-term lease with the American Bar Foundation.

• Authorized an application for foundation financing of the preliminary phase of a two-stage study to provide reliable data on the question whether photography in courtrooms affects fair trial. Six national press, radio and TV industry associations would join ABA in seeking the financing.

• Approved plans for a stepped-up membership campaign on a selective geographical basis during the current Association year, and authorized the appointment of a special committee to encourage members of corporate law departments to affiliate with ABA.



J. Edgar Hoover Joins ABA

President Randall (left) is shown presenting American Bar Association membership certificate to FBI Director Hoover in Washington Nov. 4. Presentation was made at FBI National Academy graduation exercises before 1,800 persons. President Randall addressed the graduating class.

• Accepted the invitation of San Francisco bar associations to hold the 1962 ABA annual convention in that city. The Board also decided that at the Washington, D. C., annual meeting in 1960 registrations will be restricted to members of the Association, invited guests, bar secretaries, exhibitors, and the news media.

Agreement by the Communist Tactics and Individual Rights committees on the passport and federal employee security issues resolved a conflict that had developed prior to the August annual meeting. At that time, the two committees made separate and in some respects conflicting recommendations.

But, at a joint meeting in September held at the suggestion of the Board of Governors, the two committees agreed on a consolidated report which contained these

(Continued on Page 1)

## TEN CITIES OFFER TO HELP HOST BRITISH VISITORS; 750 EXPECTED

LAWYERS IN AT least ten cities, in addition to Washington, D. C. where the Association's 1960 annual meeting will be held, have offered private home hospitality to the expected 750 British barristers and solicitors who will be coming to the United States next August for the ABA meeting and the British Commonwealth Conference at Ottawa in September.

Cooperating with the American Bar Association in coordinating the extensive hospitality arrangements are the bar associations in New York, Boston, Philadelphia, Baltimore, Richmond, Atlanta, Cleveland, Detroit, Pittsburgh, and Chicago. They've agreed to entertain groups of the visitors for periods of three or four days in the interim between the ABA meeting, ending September 2, and Sept. 14, when most of the British lawyers will be leaving for the conference in Ottawa.

In each of the host cities men's and women's activities

committees already are at work on plans for private and semi-private hospitality. In most cities, there will be one large event such as a reception or dinner.

While they are in Washington during the period of Aug. 28 to Sept. 2 most of the visitors will be guests in the homes of lawyers in the District of Columbia and adjoining areas. Then, during the next two weeks, it is planned to enable them to visit such other cities as they prefer. The preferences of the British as to cities they wish to visit will be ascertained by means of a questionnaire to be distributed to them in early January. The numbers expected to be accommodated at a given time in each city range upward from 100. The estimate as to the 750 visitors includes wives of the barristers and solicitors.

Whitney North Seymour, of New York, the Association's President-elect, is chairman of the committee coordinating the hospitality arrangements.

ENCLOSURE 94-1-369-1222

## Corporate Laws Study Approaches Completion

A FOUR-YEAR project of research by the American Bar Foundation, an analysis and annotation of the general corporation statutes of the 50 states, the District of Columbia and Puerto Rico, is now approaching completion. The work has been done at the American Bar Center. It is scheduled for publication in the fall of 1960 by a leading law book publisher, at which time it will become available to lawyers, legislators and business firms. It will be a volume of about 1,600 pages.

In 1946, after years of intensive work, a "Model Business Corporation Act" was drafted and presented to the Section of Corporation, Banking and Business Law by the section's Committee on Corporate Laws. In 1952, a "Model Non-Profit Corporation Act" was published by the committee.

Both of these model acts have been widely utilized. The Business Corporation Act has been followed in Wisconsin (1951), Oregon (1953), District of Columbia (1954), Virginia and Texas (1955), Alaska and North Dakota (1957), Colorado (1958), and Iowa (1959) and extensively used in the acts of Maryland (1953) and North Carolina (1955). The Non-Profit Act has been employed in the non-profit statutes of Wisconsin (1953), Alabama and Ohio (1955), Virginia and North Carolina (1956), Texas, Nebraska, North Dakota and Oregon (1959). Very similar acts are in force in Illinois and Missouri.

In order to make the Model Business Corporation Act more useful, the Foundation was asked by the ABA Section in 1956 to prepare annotations to the act. The work is expected to be completed by June 30, 1960. It will embrace reports on each section of the act. Each of the reports will be divided into six sections and will provide corporate lawyers for the first time the following pertinent information:

- a) A comparison of each section of the act with the comparable provisions in the statutes of all the states, the District of Columbia and Puerto Rico.
  - b) A brief analysis of the relevant statutes.
  - c) An analysis of pertinent court decisions.
  - d) General comment on the current status of the law.
  - e) An extensive bibliography, to text and other sources.
  - f) A listing of relevant statutes in all the American jurisdictions.
- The project was made possible by contributions from large law firms and corporations.

### Section Chairmen Hear Plans

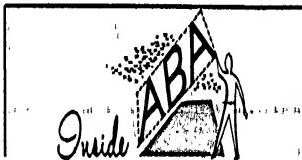
#### For Strong Regional Programs

Plans to insure top quality programs for the two regional meetings of the American Bar Association held each year were discussed at the annual section chairmen's conference held in Chicago October 31. This is the briefing session at which the newly elected section chairmen meet with ABA officers and staff members to consider various points of Association procedure and coordination.

Under the plan informally approved by the conference the various sections will uniformly endeavor to obtain nationally prominent speakers for regional meeting seminars and workshop programs. Following this month's Southern regional meeting in Memphis, which was expected to be one of the largest and best thus far, the next regional events will be in Portland, Ore., next May 22-25 and in Houston, Tex., Nov. 9-12, 1960.

### New ABA Pamphlet Offers Law Office Floor Plans

Distribution began this month of the fourth pamphlet in the ABA "Economics of Law Practice" series. Its title is *Law Office Layout and Design*, and it includes floor plans, designs and suggestions for law offices of various sizes. The pamphlet was prepared by the American Institute of Architects in cooperation with ABA's special Committee on Economics of Law Practice under the chairmanship of John C. Satterfield of Yazoo City, Miss. The pamphlet was printed by the Bobbs-Merrill Co., Inc., as a service to the Association and to the legal profession. The pamphlet is being mailed to all Association members.



THE AMERICAN BAR ASSOCIATION'S oldest member, S. Palmer Gaillard, Sr., of Mobile, Ala., died at the age of 103 on October 17. He had been a practicing attorney 78 years and also had banking and business interests.

• • • The Ford Foundation formally announced Nov. 5 a grant of \$25,000 to further the work of the ABA special Committee on World Peace Through Law. • • • Walter E. Allessandrini, member of the ABA House of Delegates and, at age 46, the youngest chancellor in the history of the Philadelphia Bar Association, is the new U. S. Attorney for the eastern district of Pennsylvania. He was sworn in Oct. 19. His term as chancellor of the Philadelphia Bar ends Jan. 1 and he will be succeeded in that office by Vincent P. McDevitt, a former member of the ABA Board of Governors. • • • Harold A. Smith, Chicago lawyer who is chairman of the American Bar Foundation committee directing a research study of the administration of criminal justice, has been appointed by Secretary of State Herter as a U. S. member of the Permanent Court of Arbitration at The Hague. The court decides international disputes arising under the Hague conventions of 1899 and 1907. Smith's term runs to 1965. • • • For the eighth consecutive year, Martindale-Hubbell, Inc., is making 17,000 copies of the ABA Canons of Ethics pamphlet available to law school freshmen in approved schools through the ABA-sponsored American Law Student Association. • • • A new system of scheduling speaking engagements of the American Bar Association President is being put into effect. All invitations henceforth will be channeled through the Executive Director and a subcommittee of the Board of Governors, the object being to cut down on travel overlaps and achieve the best possible geographical distribution of the President's appearances.

### HEAVY DEMAND FOR NEW FILM

The Washington office of the ABA has experienced a heavy demand for the new 11-minute color film in which Senator Smathers (D-Fla.) explains the facts about the Smathers-Morton-Keogh-Simpson bill to encourage individual retirement programs of self-employed persons.

Some state and local bar associations have indicated an interest in purchasing a copy of the picture. It can be bought for \$44.00. Orders for purchase should be sent to the American Thrift Assembly, 1025 Connecticut Ave., N. W., Washington 6, D. C.

### People and Events

*in the news*

TWO MORE STATE bar associations—those of Colorado and New Mexico—have voted to establish clients' security funds. Colorado's plan will be called the "Lawyers Fidelity Fund" and will start with a \$5,000 first year appropriation to be administered by a special committee of five.

In New Mexico, the state bar voted Oct. 24 to authorize the implementation of a client indemnity fund by the Board of Commissioners. The New Mexico plan involves establishing the fund out of dues paid by all lawyers to the integrated state bar, but amounts and limitations are yet to be established. • • • The second half of a \$352,000 libel suit brought by columnist Drew Pearson against Loyd Wright, former ABA president, was dismissed last month by U. S. District Judge Richmond B. Keech in Washington, D. C. The court held that a press release issued by then Chairman Wright of the federal Commission on Government Security, in which Pearson claimed he was libeled, was privileged in the light of a decision of the U. S. Supreme Court last June. Another portion of the suit involving a letter written by Mr. Wright had been dismissed earlier. • • • Henry P. Chandler, onetime Chicago Bar Association president who retired in 1956 as director of the administrative office of the United States courts, has become the first administrator of the Illinois courts by appointment of the state supreme court under a new state law. He will hold the post until September of 1960, at which time it will be taken over by Albert J. Harno, former University of Illinois law school dean and now a member of the faculty of Hastings college of law in California. Harno is a former member of the ABA Board of Governors. John C. Fitzgerald has taken a two year leave of absence as dean of law at Loyola university in Chicago to be deputy administrator for the courts in Cook County. Illinois is the 20th state to establish the office of courts administrator, under a law giving the supreme court jurisdictional authority over the lower courts. • • • Majority editorial opinion in leading newspapers throughout the country has been strongly in support of the report, published last month by a committee of the ABA International and Comparative Law section, urging Congress to withdraw the Connally reservation by which the U. S. limits its adherence to the International Court of Justice. The New Mexico State Bar, at its annual convention Oct. 24, adopted a formal resolution favoring repeal. • • • When the University of Michigan law school bestowed a dozen honorary doctor of law degrees in connection with its centennial last month, one of them, to Chief Justice John R. Dethmers of the Michigan supreme court, had to be presented in special ceremonies at a Lansing hospital where Judge Dethmers was taken for an emergency appendectomy. Others receiving the honorary degree included Justice John M. Harlan of the U. S. Supreme Court; Governor Williams of Michigan; Edgar N. Eisenhower, and Deans Erwin N. Griswold of Harvard and Edward H. Levi of the University of Chicago. • • • Lord Goddard, former Chief Justice of England, and U.S. Deputy Attorney General Lawrence E. Walsh have accepted invitations to speak at the National Conference on Judicial Selection and Court Administration (News, Oct. 15) to be held Nov. 22-24 in Chicago. About 140 bar leaders and representatives of the public will participate.

### \$800,000 Grant For Model Legal Aid Clinics

THE LARGEST SINGLE grant for a legal aid activity ever made in the U. S. has just been announced by the Ford Foundation. It is in the sum of \$800,000 for a seven-year program of establishing "model" legal aid clinics and internship programs at a dozen law schools still to be selected.

The grant was made to the National Legal Aid and Defender Association, with headquarters in the American Bar Center. The Ford Foundation said the objective of the clinics is "to give direct educational experience in the public and social aspects of law and the lawyer's role in society." In each selected law school a faculty member will develop and conduct the program, using the legal aid clinic as a teaching device as well as to provide internship opportunities to law students.

Expenditure of the earmarked funds will be supervised by an advisory council headed by Orison S. Marden of New York, immediate past president of NLADA. The program will be carried out, the Ford Foundation announcement said, in cooperation with the American Bar Association and the Association of American Law Schools.

### Policy Issues Decided By Board

(Continued from Page 1)

statements and recommendations:

**Passport Control** The report said "freedom to travel abroad should be limited only to the extent that it is clearly shown to be regulated in the interest of national security." The committees urged Congress to direct the State Department to establish a "passport hearing board" before which persons denied passports would have the opportunity to testify and present evidence. The applicant would have the right to confront and cross-examine witnesses and examine documentary evidence bearing on his case, except where the Secretary of State personally certified that disclosure of this information would do "serious damage to national security or the conduct of foreign relations."

**Employee Security** The report said present federal laws in this field are "not adequate." Without proposing that present loyalty-security procedures applying only to "sensitive" positions be extended to all federal employees, the committees said "comprehensive legislation" should be enacted to "establish specific standards and criteria defining sensitive and nonsensitive government positions, and prescribe adequate administrative procedural safeguards for the hearing and review of (loyalty-security-discharge) cases, including a broad, but not unlimited, right of confrontation." However, the report said federal employment should be treated as "a privilege and not a right" and added that "the American Bar Association believes that the American public is entitled to the services of loyal and suitable employees without regard to whether (they are) employed in sensitive or nonsensitive positions." The report said in its consideration of new legislation Congress should give "serious consideration" to recommendations contained in the 1957 report of the federal Commission of Government Security headed by former ABA president Loyd Wright of Los Angeles.

All members of the two committees signed the report. The respective chairmen are Henry J. Te Paske, Orange City, Ia., of the Communist Tactics Committee, and George S. Geffs, Janesville, Wis., of the Individual Rights Committee. E. Dixie Beggs, of Pensacola, Fla., was the Board of Governors coordinating committee chairman.

# Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: November 10, 1959

FROM : MR. Q. TAMM

SUBJECT:

**AMERICAN BAR ASSOCIATION (ABA);  
JOINT REPORT OF THE SPECIAL COMMITTEE  
ON INDIVIDUAL RIGHTS AS AFFECTED BY  
NATIONAL SECURITY AND THE SPECIAL  
COMMITTEE ON COMMUNIST TACTICS, STRATEGY AND  
OBJECTIVES**

Re Mr. Bland to Mr. Belmont memorandum dated 8/12/59  
captioned, "Passport Legislation; Proposed Recommendations of the American  
Bar Association," and Mr. Stanley to Mr. Rosen memorandum dated 8/13/59,  
captioned, "Proposed Recommendations Concerning Federal Employee Security,  
American Bar Association."

It will be recalled that the Special Committee on Individual  
Rights as Affected by National Security and The Special Committee on  
Communist Tactics, Strategy and Objectives were requested by the ABA  
to try to reach a meeting of minds on two problems: (1) Restrictions on  
issuance of passports, and (2) regulating "nonsensitive" Federal Government  
positions under the Federal Employees Security Program. Each of these  
committees filed separate reports at the Annual Meeting in Miami in August,  
1959. These reports were analyzed by the Bureau and the results incorporated  
into referenced memoranda. The report and recommendations of the  
Committee on Communist Tactics, Strategy and Objectives were in line with  
the Bureau's interests and thinking.

A copy of captioned joint report has been obtained. It covers  
recommendations and resolutions as to passport procedures and the Federal  
Employees Security Program covering both sensitive and nonsensitive positions.  
A brief review indicates the right to confront and cross-examine all witnesses  
is recognized with exceptions where the Secretary of State or Acting Secretary  
personally certifies the National Security or conduct of foreign relations would  
be endangered. Also, the report considers Government employment to be a  
privilege and not a right. The American public is entitled to the services of  
loyal and suitable employees without regard to sensitive or nonsensitive nature  
of the position.

REC-74

94-1-369-1223

HEH:wmj (6)

1 - Mr. Belmont (with enclosure)

1 - Mr. Rosen (with enclosure)

1 - Mr. DeLoach

Enclosure

ENCLOSURE

4 DEC 9 1959

See Recommendations  
Next Page

57 DEC 15 1959

Memo for Mr. Tolson  
Re: American Bar Association

RECOMMENDATIONS:

1. That the Domestic Intelligence Division review this joint report as it concerns passport matters.

10/22  
11/10

2. That the Investigative Division review this joint report as it concerns the Federal Employees Security Program.

10/22  
11/10

ENCLOSURE

ENCLOSURE



94-1-369-1223

AMERICAN BAR ASSOCIATION

JOINT REPORT  
OF  
THE SPECIAL COMMITTEE ON INDIVIDUAL RIGHTS  
AS AFFECTED BY NATIONAL SECURITY  
AND  
THE SPECIAL COMMITTEE ON COMMUNIST  
TACTICS, STRATEGY AND OBJECTIVES

RECOMMENDATIONS

DIVISION I. Recommendations As To  
Passport Procedures

The committees, recognizing that freedom to travel abroad should be limited only to the extent that it is clearly shown to be regulated in the interest of national security, jointly recommend the adoption of the following

RESOLUTIONS

1. RESOLVED that the American Bar Association recommend to the Congress the enactment of legislation containing the following principles with respect to the control of travel abroad by United States citizens:

(a) The Secretary of State should be authorized to refuse to issue a passport to any person or to restrict or revoke a passport of any person as to whom it is determined on substantial grounds by a preponderance of the evidence that he knowingly engages in activities calculated

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NOTE: Reports of Sections or Committees of the American Bar Association, prepared for submission to the House of Delegates, are NOT to be construed to represent the official policy of the Association. Reports containing policy recommendations reflect Association policy ONLY as and when these recommendations are acted upon by the House of Delegates. Reports containing no recommendations for specific action by the House of Delegates are merely informative; they represent only the views of the Section or Committee submitting them.

to further the International Communist movement and having a tendency to endanger the national security or tending seriously to impair the conduct of the foreign relations of the United States.

(b) If a passport is denied, revoked or restricted for any reason stated in paragraph (a) hereof, the applicant or holder should be informed in writing of the reason, as specifically as is consistent with considerations of national security and the conduct of foreign relations, and shall have and be informed in writing of the right to a hearing before the Passport Hearing Board.

(c) The Secretary should be required to establish within the Department of State a Passport Hearing Board, at least one member of which shall be a lawyer, to review the denial, revocation or restriction of a passport. The members of said Board shall be independent of and have no responsibility related to the issuance, denial, revocation or restriction of passports other than their duties as members of said Board.

(d) In proceedings before the Passport Hearing Board, the Secretary should be required to establish and enunciate publicly the procedural safeguards available whereby the rights accorded to an individual are protected. In such proceedings, the individual shall have the following rights which shall be included in the rules which the Secretary shall make public:

- (1) To appear in person and to be represented by counsel.
- (2) To testify in his own behalf, present witnesses and offer other evidence.

(3) To cross-examine witnesses appearing against him at any hearing at which he or his counsel is present and to examine all other evidence which is made a part of the open record.

(4) To examine a copy of the transcript of the open record and upon request to be furnished a copy thereof.

(e) The right to confront and cross-examine all witnesses and to examine all documentary evidence considered by the Board shall be accorded, except where the Secretary of State or Acting Secretary of State, personally, shall certify that information, or the sources of information, or the investigative methods pertaining to the individual is believed by him to be reliable and cannot be disclosed without serious damage to national security or the conduct of foreign relations. The Secretary or Acting Secretary shall furnish to the individual during the course of the proceedings a fair written resume of such information certified by him to be as complete as consistent with national security or the conduct of foreign relations.

(f) The Board shall take into consideration the individual's inability to challenge information of which he has not been advised in full or in detail or the individual's inability to attack the credibility of sources that have not been disclosed to him.

(g) Review procedure in the United States District Court for the District of Columbia shall be provided. In such review the court shall

determine whether the decision of the Secretary is based on substantial evidence in the record and that procedural requirements have been met.

2. RESOLVED that the American Bar Association authorize the chairmen of the said special committees jointly to appear before the committees of the Congress to state the position of the Association in conformity with the foregoing Resolution.

**DIVISION II. Recommendations As To  
Federal Employee Security**

The committees recommend the adoption of the following

**RESOLUTIONS**

1. WHEREAS, the American Bar Association believes that employment by the Federal Government is a privilege and not a right; and

WHEREAS, the American Bar Association believes that the American public is entitled to the services of loyal and suitable employees without regard to whether employed in sensitive or nonsensitive government positions; and

WHEREAS, the American Bar Association believes that all employees of the government are entitled to due process of law in the consideration of loyalty and suitability; and

WHEREAS, the American Bar Association believes that there is not at present adequate comprehensive legislation in this field;

NOW THEREFORE BE IT RESOLVED that the American Bar Association recommend to the Congress the enactment of comprehensive legislation covering Federal Civilian Employee Loyalty and Security Discharge Procedures and procedures to apply to application cases under which employment is refused on

loyalty or security grounds. Such legislation shall establish specific standards and criteria defining sensitive and nonsensitive government positions and prescribe adequate administrative procedural safeguards for the hearing and review of such cases, including a broad, but not unlimited right, of confrontation.\*

2. RESOLVED that the American Bar Association authorize the chairmen of the said special committees jointly to appear before the committees of the Congress to state the position of the Association in conformity with the foregoing Resolution.

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\* The committees recommend to the Congress that in the preparation and enactment of the legislation, serious consideration be given to the report of the Commission on Government Security of June 21, 1957.

Comment

The committees have noted the various bills for passport legislation pending in the Congress. None of such bills conforms fully to the foregoing Resolution on passport legislation.

It is the consensus of the committees that the Wiley Bill S. 2315 most nearly meets the provisions of the Resolution on passport legislation and your committees recommend that said bill be amended to conform thereto.

Respectfully submitted,

Special Committee on  
Individual Rights as Affected  
by National Security

George S. Geffs, Chairman  
Frederick A. Ballard  
William J. Fuchs  
Joseph G. Hodges  
Thomas McE. Johnston

Special Committee on  
Communist Tactics, Strategy  
and Objectives

Henry J. TePaske, Chairman  
Peter Campbell Brown, Vice  
Chairman  
Julius Applebaum  
James S. Cremins  
Ray Murphy  
Louis B. Nichols  
C. Brewster Rhoads  
Kendrick Smith  
Jackson A. Wright  
Louis C. Wyman

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. Rosen

DATE: 11/20/59

FROM : C. H. Stanley CHS.

SUBJECT: RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY  
AMERICAN BAR ASSOCIATION

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

Ed. 1000

SYNOPSIS:

Joint report of Special Committee on Individual Rights as Affected by National Security and Special Committee on Communist Tactics, Strategy and Objectives, American Bar Association (ABA), recommends adoption of following resolutions:

Employment by Federal Government a privilege; public entitled to loyal and suitable Government employees whether in sensitive or nonsensitive positions; all Government employees entitled to due process of law in loyalty and suitability matters; Congress enact comprehensive legislation regarding loyalty and security procedures prescribing adequate administrative procedural safeguards for hearing and review including "broad, but not unlimited, right of confrontation"; Congress give serious consideration to 1957 Commission on Government Security report.

Joint report appears to be labored attempt to consolidate previous reports of these two Special Committees and serves to illustrate controversial nature of federal employee security with its conflicting demands of national security and fairness to the individual. Although report states Government employment a "privilege" it is enshrouded with protection of due process of law and adequate administrative procedural safeguards. Due process of law, which courts have had difficulty in defining, would make program cumbersome and difficult to operate from point of view of Government and national security. Broad, but not unlimited, confrontation would lead to controversy without sharper definition.

Commission on Government Security favored creation of independent central security office to coordinate personnel security programs, provide hearing examiners and conduct hearings. Confrontation broadened by providing that with certain exceptions no derogatory loyalty information to be considered over objection of individual involved unless person testifies and subject to cross-examination. Confidential informants excluded where head of investigative agency determines their disclosure would prejudice national security.

- 1 - Mr. Belmont
- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - 66-19000

94-1-369-15 1959

C.R.E. ap (9)

REC-74 94-1-369-1224  
4 DEC 9 1959

EX-135

66-19000-1

UNRECORDED COPY FILED IN

Memorandum to Mr. Rosen

RE: RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY  
AMERICAN BAR ASSOCIATION

Bureau's comments concerning Commission's report furnished Department by letter 7/1/57 in which concern expressed over establishment of central security office and loss of much valuable information to hearing boards through recommended confrontation.

ACTION:

For information.

*JL* *Rais*

DETAILS:

Memorandum Mr. Tamm to Mr. Tolson dated 11/10/59 attached a joint report of ABA's Special Committee on Individual Rights as Affected by National Security of which [redacted] is Chairman (hereafter referred to as [redacted] Committee) and Special Committee on Communist Tactics, Strategy and Objectives of which [redacted] is Chairman (hereafter referred to as [redacted] Committee). Each of these Committees filed separate reports at the Annual Meeting of the ABA in August, 1959, and have now combined in a joint report. Briefly, in August, 1959, [redacted] Committee Report was more concerned with adequate guarantees of procedural due process for the individual while the [redacted] Committee, of which Peter Campbell Brown was then Chairman, was more concerned with strengthening national security from the Government's standpoint. In the joint report these Committees have now recommended the adoption of the following resolutions concerning Federal Employee Security:

1. Employment by Federal Government a privilege and not a right.
2. American public entitled to services of loyal and suitable employees whether in sensitive or nonsensitive Government positions.
3. All Government employees entitled to due process of law in loyalty and suitability matters.
4. There is not at present adequate comprehensive legislation in this field.
  - a. Congress enact comprehensive legislation covering Federal Civilian Employee Loyalty and Security Discharge Procedures and procedures to apply to applicant

Memorandum to Mr. Rosen

RE: RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY  
AMERICAN BAR ASSOCIATION.

cases where employment is refused on loyalty or security grounds. Such legislation shall establish specific standards and criteria defining sensitive and nonsensitive Government positions and prescribe adequate administrative procedural safeguards for the hearing and review of such cases including a broad, but not unlimited, right of confrontation.

- b. Serious consideration be given by Congress to the 1957 report of the Commission on Government Security and that ABA authorize chairmen of these Special Committees jointly to appear before Congressional Committees to state position of ABA.

OBSERVATIONS:

By stating that employment by the Federal Government is a privilege and not a right, ABA follows closely the language of Executive Order (EO) 10450, the current Federal Employee Security Program (FESP) in which reference is made to the "privilege of employment or privilege to be employed" by the Government. By stating that the American public is entitled to the services of loyal and suitable employees, ABA is again following closely the language of EO 10450 where it is stated: "Whereas the interests of national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States..." These are sound statements on the part of the ABA with which the Bureau agrees.

ABA in making its recommendation that all employees of the Government are entitled to due process of law in questions of loyalty and suitability, opens up the field of Government - employee relations to many unresolved and far-reaching questions.

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AMERICAN BAR ASSOCIATION

The guaranty of due process found in the Fifth Amendment of the Federal Constitution declares that no person shall "be deprived of life, liberty or property without due process of law." The courts repeatedly have recognized the difficulty of defining "due process of law." What is due process depends on circumstances varying with the subject matter and the necessities of the situation. While the constitutional guaranty of due process of law applies to administrative as well as judicial proceedings, courts have said that all the formalities of judicial proceedings are not essential to constitute due process of law in an administrative proceeding. One adequate hearing is all that due process is said to require. Generally, a party to an administrative hearing is entitled to know the witnesses and evidence against him. Cross-examination of witnesses is of as much value and is as essential a right in administrative as in judicial proceedings and this right, according to the courts, should not be denied in such proceedings. Courts have said there is no hearing when the party cannot know what evidence is offered or considered and is not given an opportunity to testify, explain or refute.

In August, 1959, the Geffs' Committee in a report stated that the existing FESP is dangerously lacking in essentials of procedural due process pointing out, among other things, that the employee does not have the right of confrontation of Government witnesses nor is the Government required to produce witnesses and there is no right of judicial review of administrative determinations. (94-1-369-1184)

Due process of law could conceivably encompass judicial review of administrative determinations made under the FESP and if such review would allow appeals solely on the merits of the case and not some Constitutional or other question of law, the Judicial Branch would then, in effect, be "assisting" the Executive Branch in administering a personnel program for Executive Branch employees.

Judge Holtzoff in Washington v. Clark, 84 Federal Supplement 964, (6/28/49) stated the type of hearing contemplated by EO 9835 (former Federal Loyalty Program) is not the type of hearing that is prescribed by the due process clause. He continued that the requirements of the due process clause do not apply to employer-employee relationship as between Government and its employees. An employer does

Memorandum to Mr. Rosen

RE: RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY  
AMERICAN BAR ASSOCIATION

not have to grant to his employee a formal trial, with all its pomp and circumstance, before discharging the employee. This applies equally as well to the United States as an employer. This case was affirmed by the U. S. Court of Appeals 4/17/50 and by the Supreme Court with an equally divided court on 5/7/51. (341 U.S. 923)

"Simple justice, the fundamentals of fair play" as enunciated by the Court of Appeals for the District of Columbia in 1958 may very well lead the courts to take a more liberal approach with regard to rights of individuals involved with the FESP.

Some insight into the thinking of judges can be found in the book, "The Right of the People" (1958) by William O. Douglas, Associate Justice, U. S. Supreme Court, where he stated that the procedures utilized under the former Federal Loyalty Program was a departure from traditional American concepts of fair play and due process of law as an employee could be condemned on the basis of anonymous information contained in a hearing board's file. The employee's accusers were not required to confront him. Douglas said, "those who try and brand people as subversives on the basis of faceless informers engage in an un-American practice." Douglas does not believe that under a loyalty program a person should be tried in administrative proceedings where he has none of the benefits of the Fifth and Sixth Amendments including trial by jury and the right to be confronted by his accusers. It is not an answer to say, Douglas continued, that no one has a Constitutional right to work for the Government as the Constitution contains guarantees that Government may not do certain things to the citizen.

The recommendation that legislation prescribe adequate administrative procedural safeguards for the hearing and review of such cases including a broad, but not unlimited, right of confrontation appears to be a labored attempt to reach some sort of agreement on the part of the two Special Committees of the ABA. Some attempt will have to be made to spell out the "adequate administrative procedural safeguards" sought as well as the scope of the "broad, but not unlimited, right of confrontation."

Memorandum to Mr. Rosen

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AMERICAN BAR ASSOCIATION

The joint report recommends that Congress give serious consideration to the 1957 report of the Commission on Government Security. Briefly, the Commission on Government Security recommended:

Establishment of a new Federal Civilian Employee Loyalty Program applicable to all positions and a suitability program to be handled within the framework of Civil Service regulations.

Creation of a independent Central Security Office (CSO) to coordinate control of the Federal Civilian Employees Loyalty, Industrial Security and Document Classification Programs. CSC to provide hearing examiners to conduct loyalty and security hearings and to hear organizations contesting designation to the Attorney General's list. Hearing examiners would have power to subpoena witnesses. Decision by hearing examiners would be advisory to agency heads.

Broadening the right of confrontation by providing that with certain exceptions no derogatory loyalty information should be considered over objection of individual involved unless supplier of such information testifies and subject to cross-examination. No confrontation of regularly established confidential informants where head of investigative agency determines their disclosure will prejudice national security. Commission recommended that investigative agency include in its report information derived from any source.

The Bureau's comments concerning the Commission on Government Security's report were made known to the Attorney General by letter dated 7/1/57. In that letter concern was expressed over the proposal for setting up a superstructure such as the CSO with its suggested powers. It was pointed out that the Commission's recommendation as to what information could be considered by hearing boards would result in the loss of much valuable information to the hearing boards.

Memorandum to Mr. Rosen

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AMERICAN BAR ASSOCIATION

CONCLUSION:

The FESP is a very controversial field because of conflicting demands of national security and fairness to individuals involved in this program. This is borne out in the joint report of ABA's Special Committee as illustrated in the statement that employment by the Federal Government is a privilege and not a right but a "privilege" to be protected by due process of law, adequate administrative procedural safeguards for the hearing and review of cases and a broad right of confrontation. Due process of law is a term difficult for the courts to define, elastic in its application, which might encompass a hearing, Government production of witnesses, confrontation of witnesses and judicial review of administrative determinations. Due process of law is not required at the present time in hearings under the FESP. Courts have shown a tendency to expand the rights of individuals subject to this program with its standards of "simple justice" and "fundamentals of fair play." It would appear that, by specifically stating that a Government employee is entitled to due process of law in loyalty and suitability matters this would tend to make a personnel security program cumbersome and difficult to operate from the point of view of national security and Government efficiency.

The investigative responsibilities of the Bureau under the program covering sensitive and nonsensitive Government positions as recommended in this joint report would appear to be the same as at the present time inasmuch as the Government now investigates under the FESP, according to the Attorney General's instructions, occupants of both sensitive and nonsensitive positions in the Executive Branch of the Government where there is a question of loyalty.

The Bureau's position, as has been stated to the Department of Justice, is that any action which will prevent subversives or questionable characters from being employed in either sensitive or nonsensitive positions in the Federal Government is highly desirable and the Executive Branch of the Government would have the right to dismiss, as required, those who are security risks whether they are employed in sensitive or nonsensitive positions.

Memorandum to Mr. Rosen

RE: RECOMMENDATIONS AS TO FEDERAL EMPLOYEE SECURITY  
AMERICAN BAR ASSOCIATION

It would seem to be important to have a clear expression of Congressional intent in this field, especially as a result of the Supreme Court decision in the Cole case (6/11/56) limiting the FESP to sensitive positions. In the Vitarelli case (6/1/59) the Supreme Court ruled, in part, that the Interior Department did not follow its own regulations covering security firings in that information from an individual openly identified in the hearing was utilized in assessing Vitarelli's status without calling that individual as a witness and affording Vitarelli the opportunity to cross-examine him. The Supreme Court ruled in this manner even though there is no subpoena power to compell a witness to appear at such a hearing. Likewise, in the Greene case (6/29/59), the Supreme Court struck down as invalid the hearings, appeals and review portions of the Industrial Security Program (ISP) under which the Defense Department grants employees of private contractors access to classified information. The Supreme Court held that the Defense Department had not been authorized by the President or Congress to conduct hearings under the ISP at which employees are denied procedural safeguards of confrontation by and cross-examination of witnesses against them.

PME

JAN  
RAB

*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 12/4/59

~~FROM :~~ SAC, Memphis

SUBJECT: SOUTHERN REGIONAL MEETING OF  
AMERICAN BAR ASSOCIATION  
MEMPHIS, TENNESSEE

It is thought the Bureau might desire to see a copy  
of a letter dated 12/1/59, addressed to this office by Mr.  
[redacted] concerning my appearance before the Association.  
This letter has been acknowledged by this office.

b6  
b7c

2 - Bureau (Encl. 1)  
1 - Memphis

FCH:RSV  
(3)

EX 109  
REC-96

94-1-364-11225

BB DEC 10 1974

*46* *318*  
DEC 14 1955

**ENCLOSURE**



**ENCLOSURE**

94-1-369-1225

WALTER P. ARMSTRONG  
1884-1949  
J. E. McCADDEN  
JAMES BEDDON ALLEN  
BERTTT. BRADEN  
BENJAMIN GOODMAN  
WALTER P. ARMSTRONG, JR.  
HUBERT A. McBRIDE  
KATHERINE WATSON  
NEWTON P. ALLEN  
THOMAS R. PREWITT  
RICHARD H. ALLEN  
JOHN DOOGERTY, JR.  
GAVIN M. MCNAUL  
THOMAS F. JOHNSTON  
ROSE L. BARTLETT  
ELMORE HOLMES, III

ARMSTRONG MCCADDEN ALLEN BRADEN & GOODMAN

ATTORNEYS AT LAW  
COMMERCE TITLE BUILDING  
MEMPHIS 3, TENNESSEE

December 1, 1959.

Mr. Frank C. Holloman, Special Agent,  
Federal Bureau of Investigation,  
Sterick Building,  
Memphis, Tennessee.

Dear Frank:

I am sorry that I have not had a chance to write you sooner but following the Regional Meeting I have been out of town extensively. I want to belatedly state to you how much I appreciate you giving your very able speech at the Southern Regional Meeting of the ABA. You did an outstanding job and in my opinion it was the highlight of the program.

To say the least, you are a terrific public relations man for the F. B. I. Again I wish to express my appreciation for your aid and cooperation in effecting this program.

Sincerely,

RHA/bk

b6  
b7C

SEARCHED..... INDEXED.....  
SERIALIZED..... FILED.....  
DEC 2 - 1959  
FBI, MEMPHIS



94-1-369- 1225

AMERICAN BAR ASSOCIATION

ORGANIZED 1878

SECTION OF REAL PROPERTY, PROBATE AND TRUST LAW  
1959-1960

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100 W. MONROE ST.  
CHICAGO 3, ILL.

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BOSTON 9, MASS.  
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111 W. WASHINGTON ST.  
CHICAGO 2, ILL.

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P. PHILIP LACOVARA  
50 EAST 42ND ST.  
NEW YORK 17, N. Y.  
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DALLAS 1, TEXAS  
TRUST LAW DIVISION  
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Section Delegate to House of Delegates  
J. STANLEY MULLIN  
458 S. SPRING ST.  
LOS ANGELES 53, CALIF.

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DEAR FELLOW MEMBER OF THE AMERICAN BAR ASSOCIATION:

I am pleased to extend to you a cordial invitation to join the Section of Real Property, Probate and Trust Law.

The activities of this Section are directed to those subjects which are the foundation of a lawyer's practice through the years. This is so very true that our programs are sometimes referred to as "the bread and butter" of the extensive fare offered at the regional and annual meetings of the A.B.A. The large audiences attending the programs convince us that we should expand our efforts to bring you more of the things you should know of present developments in these fields.

Our Section numbers within its nearly 6,000 members an excellent geographical cross-section of devoted, experienced and able general practitioners, as well as full-time specialists. We share our experiences with attorneys representing corporate fiduciaries and attorneys turned teacher, the professors of law. From this full sharing we all benefit.

Time and taxes are remolding many practices and we are all keenly aware of the fact that we can no longer rely on yesterday's casebook. At the same time we must carefully weigh the many panaceas that are proffered. To the full extent of its capacities the Section is devoted to assisting you to become a better lawyer in these fields.

REC-21

94-1-369

To become a member of the Section please complete the enrollment blank and forward it with your check in the sum of \$5.00 to American Bar Association, 1155 E. 60th St., Chicago 37, Illinois.

ENCLOSURE

Form 100  
ENCLOSURE ATTACHED

Sincerely yours,

DEC 10 1959

CRIME REC

DMS/d CC DEC 16 1959

CHAIRMAN

b6  
b7c

ENCLOSURE

ENCLOSURE



94-1-369-1226

# A GRASS-ROOTS SECTION OF THE AMERICAN BAR ASSOCIATION

## Background

The Section of Real Property, Probate and Trust Law has been in existence since 1934. It was first known as the Section of Real Property. Two years later the scope of the Section was widened to include probate and trust law and the present name was adopted.

The Section's major emphasis is on the developments, literature and legislation in each of the three fields which it encompasses.

Some of the outstanding accomplishments of the Section have been preparation of the Model Probate Code, development of Specimen Pension and Profit-Sharing Plans and Trust Agreements, and rendering constructive assistance in the drafting of the U. S. Supreme Court Rule to govern condemnation cases in federal courts, and backing with other interested Sections the investigation of problems relating to relative priority of government and private liens.

## Membership Benefits

The Section functions through a council and committees under three divisional chairmen. These committees aid in the planning of high quality programs of practical interest at annual and regional meetings.

Here is what YOU receive as a member of the Section of Real Property, Probate and Trust Law:

- \* Annual Proceeding of reports and addresses of the Real Property Law Division presented at the annual meetings.
- \* Annual Proceedings of reports and addresses of the Probate and Trust Law Divisions.
- \* Complete roster of members of the Section.
- \* Separate publications from time to time on topics of special interest to members.
- \* Opportunity to participate in and contribute to the improvement of law and legislation in these three areas, along with law professors, government lawyers, and title and trust company attorneys.

Application of _____	Please Print or Type		
Street	City	Zone	State
for enrollment in the Section of Real Property, Probate and Trust Law			
AMERICAN BAR ASSOCIATION			
1155 East 60th Street Chicago 37, Illinois			
Check for \$5.00 payable to American Bar Association, annual dues for the Section, is enclosed herewith.			
Membership in the American Bar Association is a prerequisite to enrollment in any of its Sections.			
Signature _____ Date _____			

## **SECTION COMMITTEES**

- Acceptable Titles to Real Property.
- Current Literature Relating to Real Property Law.
- Improvement of Conveyancing and Recording Practices.
- Planning and Developing Metropolitan Communities.
- Relative Priority of Government and Private Liens.
- Significant Decisions on Real Property Law.
- State and Federal Legislation Affecting Real Property.
- Fees and Commissions in Probate Proceedings.
- Improvement of Probate Procedure.
- Simplification of Security Transfers by Fiduciaries.
- Management of Property of Infants, Incompetents and Missing Persons.
- Significant Trust and Probate Decisions.
- Accountability of Trustees of Charitable Trusts.
- Pension and Profit-Sharing Trusts.
- Estate and Tax Planning.
- State Legislation Affecting Trusts and Estates.
- Trust and Probate Literature.

Upon joining the Section, you will be sent a membership card which will give you further opportunity to indicate your background in any one of these fields, and your particular interest or interests.

**MAIL YOUR APPLICATION TODAY**  
(Enrollment blank inside)

**AS A LAWYER—  
ARE YOU UP-TO-DATE  
ON THESE MATTERS?**



**Latest Significant Decisions in Real Property,  
Probate and Trust Law.**

**State and Federal Legislation Affecting Real  
Property, Trusts and Estates.**

**Fees and Commissions in Probate Proceedings.**

**Improvement of Probate Procedure and Judicial  
Control of Guardianship Proceedings.**

**Improvement of Conveyancing and Recording  
Practices.**

**Planning and Developing Metropolitan  
Communities.**

**Relative Priority of Government and Private Liens.**

**Simplification of Security Transfers by Fiduciaries.**

**Pension and Profit-Sharing Trusts.**

**Estate Planning and State and Federal Taxation on  
Real Property, Gifts, Estate and Trusts.**



**SECTION OF REAL PROPERTY,  
PROBATE AND TRUST LAW**

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tamm

DATE: November 2, 1959

FROM : H. L. Edwards *H.L.E.*SUBJECT: PRESENTATION OF AMERICAN BAR  
ASSOCIATION MEMBERSHIP CERTIFICATE  
TO THE DIRECTOR

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
b7C

At 3:15 p.m. today, I received a call from Mr. [redacted] Director of the Washington Office of the American Bar Association (ABA). I had met Mr. [redacted] last evening when he accompanied ABA President John D. Randall by plane from Chicago.

Mr. [redacted] said that he had been talking with the Chicago Headquarters of the ABA and they were interested in getting a photograph of the Director receiving the ABA Membership Certificate from Mr. Randall. They wanted to use this photograph for the forthcoming issue of either the "American Bar Association Journal," or the "American Bar Association News" bulletin. Mr. [redacted] stated that they go to press this weekend and He said that if a photograph would be available he would appreciate its being sent to Mr. [redacted] Director of Public Relations, American Bar Association's Center, 1155 East 60th Street, Chicago 37, Illinois.

Mr. [redacted] also stated that in connection with a news release on this presentation which the Chicago office wanted to make Mr. [redacted] wondered whether it would be satisfactory to indicate that Mr. Randall would make the presentation during the National Academy graduation exercises at which Mr. Randall was scheduled to speak. I told Mr. [redacted] that the answer to this question would depend upon Mr. Hoover and that I had referred the problem to Mr. Hoover's attention this morning following my discussion with Mr. Randall last night but that I had not yet received an answer. I explained to Mr. [redacted] that the problem hinged largely around the fact that the graduation exercises program had already been drawn up and the schedule was a fairly tight one. Consequently, I did not know whether it would be possible to squeeze it into the limited time allotted for the exercises. Therefore, I suggested to Mr. [redacted] that in the interest of accuracy it would be well to wait for Mr. Hoover's decision or at least to indicate that the presentation would be made during Mr. Randall's attendance in Washington for the National Academy graduation. I told him I would advise him just as soon as word was forthcoming from Mr. Hoover.

REC-19

94-1-369-227

1 - Mr. DeLoach  
 1 - Telephone Room  
 HLE:mbk  
 (4)

23 DEC 14 1959

EX-111

CRIME REO

13 JAN 4 1960

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Memorandum to Mr. Tamm  
Re: Presentation of American Bar Association  
Membership Certificate to the Director

b6  
b7C

In the meantime, the Director has approved receiving this certificate during the graduation exercises.

RECOMMENDATION:

That approval be given to having the presentation photographed by the Bureau photographer at the graduation exercises and that following the Director's approval of the photograph, a copy of the photograph be sent to the American Bar Association Headquarters at the above address for publication as indicated.

Mr. [redacted]  
was advised.  
Mr. [redacted] states  
Crime Records will  
handle the photograph  
angle. JTH  
11/3

D ✓  
JTH  
Photo taken & sent  
11-4-57  
JTH

## Office Memorandum • UNITED STATES GOVERNMENT

*ap  
st*

TO : Mr. DeLoach

FROM : M. A. Jones

SUBJECT: AMERICAN BAR ASSOCIATION

DATE: November 3, 1959

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 McGuire \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 W.C. Sullivan \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

Attached please find suggested remarks for the Director's use tomorrow at the National Academy graduation at the time he accepts the certificate of membership in the American Bar Association from Mr. John Randall, President of that group.

RECOMMENDATION:

For the Director's use.

Enclosure

- 1 - Director's Office
  - 1 - Mr. DeLoach
  - 1 - Mr. Tamm
  - 1 - Mr. Edwards
- FCS:sic
- (6) *pd.*

I think only  
 "Thank You"  
 since  
 presentation  
 will precede  
 Mr. Randall's  
 address

REC-19 94-1-369-228

23 DEC 14 1959

ENCLOSURE

EX-117

↑ I concur  
 Nov 3 1959

CRIMINAL REC.

62 DEC 31 1959

UNRECORDED COPY FILED IN 94-52856-

**REMARKS OF JOHN EDGAR HOOVER  
DIRECTOR, FBI  
UPON ACCEPTING CERTIFICATE OF  
MEMBERSHIP IN THE AMERICAN BAR ASSOCIATION  
NOVEMBER 4, 1959**

Mr. Randall, I want to thank you most sincerely for presenting me my certificate of membership in the American Bar Association. This certificate has a very deep meaning for me. The American Bar Association is truly one of America's great organizations. Over the years it has stood in the front lines defending our democratic liberties. As lawyers, its members are alert to the vital need of strengthening representative government, promoting justice and protecting the rights, lives and property of all the people. Our Nation is a government under law. Without men and women dedicated--as are the members of the American Bar Association--to the maintenance of law, our treasured liberties would soon disappear.

We in the FBI appreciate the wonderful cooperation which the American Bar Association and its members have always given our Special Agents. Only by working together against the common enemy--the criminal and the subversive--can we meet the challenges of the future.

FCS:jac (7) *AS*

V 74-1369-61228 J  
ENCLOSURE

MAIL ROOM  TELETYPE UNIT

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

11/1  
December 4, 1959

REC-70 94-1-389-1229

Mr. Louis B. Nichols  
Executive Vice President  
Schenley Industries, Inc.  
Empire State Building  
350 Fifth Avenue  
New York 1, New York

Dear Nick:

It was good to receive your letter of December 2, 1959. I was interested in learning of the action taken by your committee of the American Bar Association in regard to passport procedures and sensitive and nonsensitive jobs.

The fact that the Board of Governors of the American Bar Association has approved the combined report of your committee and the Special Committee on Individual Rights certainly establishes that "proper legislation" stands a better chance of being passed in the future to fully remedy these matters.

Thanks very much for keeping me advised. It is very obvious that the proper aggressiveness pays off, despite the many obstacles that might be encountered.

DEC 4 1959 PH 59

READING ROOM  
FBI  
T

Sincerely,  
JEH

MAILED 2
DEC - 4 1959
COMM-FBI
1 - MR. Jones

Tolson ✓  
Belmont ✓  
DeLoach ✓  
McGraw ✓  
Mohr ✓  
Parsons ✓  
Rosen ✓  
Tamm ✓  
Trotter ✓  
W.C. Sullivan ✓  
Tele. Com ✓  
Holloman ✓  
Gandy ✓

CDD/emb 3  
(4)  
12/23/59  
62 DEC 23 1959  
MAIL ROOM TELETYPE UNIT

7/17/59

LOUIS B. NICHOLS  
350 FIFTH AVENUE  
NEW YORK, NEW YORK

December 2, 1959

✓  
Mr. Tolson \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. McGuire \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Parsons \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tamm \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. W.C. Sullivan \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holloman \_\_\_\_\_  
Miss Gandy \_\_\_\_\_  
\_\_\_\_\_

✓  
Dear Mr. Hoover:

As you will recall the Special Committee on Communist Tactics, Strategy and Objectives has been struggling on a recommendation on passport procedure, and on sensitive and non-sensitive jobs. Our committee, of course, has had the right attitude but we were handicapped by the Special Committee on Individual Rights, as effected by National Security.

Last summer at the A.B.A. meeting in Miami, after some missionary work, some new blood was appointed to the Special Committee on Individual Rights. We had a two-day meeting in Washington late in October, and after holding the two committees in session until 2:30 a.m. I finally got an unanimous report which pretty much represents our viewpoint on these two subjects. The Board of Governors of the A.B.A. has approved the report and it is now the official policy of the A.B.A.

Through this devise we were able to circumvent a debate in the House of Delegates at our meeting in which [redacted] of the State Department and [redacted] of the Criminal Division did a superb job, and certainly represented the F.B.I. viewpoint as I know it. [redacted] was very cooperative, but he thought this was a lost cause and has expressed his amazement that we were able to get these recommendations through.

With every good wish.

Sincerely,

Louis B. Nichols

Honorable J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D.C.

REC-70 94-1369-1229

6 DEC 14 1959

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FBI - NEW YORK  
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act. 12/14/59  
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ENCLOSURE

October 30, 1959

AMERICAN BAR ASSOCIATION

JOINT REPORT  
OF  
~~THE SPECIAL COMMITTEE ON INDIVIDUAL RIGHTS~~  
~~AS AFFECTED BY NATIONAL SECURITY~~  
AND  
~~THE SPECIAL COMMITTEE ON COMMUNIST~~  
~~TACTICS, STRATEGY AND OBJECTIVES~~

RECOMMENDATIONS\*

DIVISION I. Recommendations As To  
Passport Procedures

The committees, recognizing that freedom to travel abroad should be limited only to the extent that it is clearly shown to be required in the interest of national security, jointly recommend the adoption of the following

RESOLUTIONS

1. RESOLVED that the American Bar Association recommend to the Congress the enactment of legislation containing the following principles with respect to the control of travel abroad by United States citizens:

(a) The Secretary of State shall be authorized to refuse to issue a passport to any person or to restrict or revoke a passport of any person as to whom it is determined on substantial grounds by a preponderance of the evidence that he knowingly engages in activities calculated to further the International Communist movement and having a tendency to endanger the national security or tending seriously to impair the conduct of the foreign relations of the United States.

(b) If a passport is denied, revoked or restricted for any reason stated in paragraph (a) hereof, the applicant or holder shall be informed in writing of the reason, as specifically as is consistent with considerations of national security and the conduct of foreign relations, and shall

\*These recommendations were adopted by the Board of Governors October 30, 1959.

94-1-369-1229

ENCLOSURE

have and be informed in writing of the right to a hearing before the Passport Hearing Board.

(c) The Secretary shall be required to establish within the Department of State a Passport Hearing Board, at least one member of which shall be a lawyer, to review the denial, revocation or restriction of a passport. The members of said Board shall be independent of and have no responsibility related to the issuance, denial, revocation or restriction of passports other than their duties as members of said Board.

(d) In proceedings before the Passport Hearing Board, the Secretary shall be required to establish and enunciate publicly the procedural safeguards available whereby the rights accorded to an individual are protected. In such proceedings, the individual shall have the following rights which shall be included in the rules which the Secretary shall make public:

(1) To appear in person and to be represented by counsel.

(2) To testify in his own behalf, present witnesses and offer other evidence.

(3) To cross-examine witnesses appearing against him at any hearing at which he or his counsel is present and to examine all other evidence which is made a part of the open record.

(4) To examine a copy of the transcript of the open record and upon request to be furnished a copy thereof.

(e) The right to confront and cross-examine all witnesses and to examine all documentary evidence considered by the Board shall be accorded, except where the Secretary of State or Acting Secretary of State, personally, shall certify that information, or the sources of information, or the investigative methods pertaining to the individual is believed by him to be reliable and cannot be disclosed without serious damage to national security or the conduct of foreign relations. The Secretary or Acting Secretary shall furnish to the individual during the course of the proceedings a fair written resume of such information certified by him to be as complete as consistent with national security or the conduct of foreign relations.

(f) The Board shall take into consideration the individual's inability to challenge information of which he has not been advised in full or in detail or the individual's inability to attack the credibility of sources that have not been disclosed to him.

(g) Review procedure in the United States District Court for the District of Columbia shall be provided. In such review the court shall determine whether the decision of the Secretary is based on substantial evidence in the record and that procedural requirements have been met.

2. RESOLVED that the American Bar Association authorize the chairmen of the said special committees jointly to appear before the committees of the Congress to state the position of the Association in conformity with the foregoing Resolution.

DIVISION II. Recommendations As To  
Federal Employee Security

The committees recommend the adoption of the following

RESOLUTIONS

1. WHEREAS, the American Bar Association believes that employment by the Federal Government is a privilege and not a right; and

WHEREAS, the American Bar Association believes that the American public is entitled to the services of loyal and suitable employees without regard to whether employed in sensitive or nonsensitive government positions; and

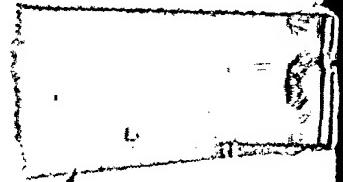
WHEREAS, the American Bar Association believes that all employees of the government are entitled to due process of law in the consideration of loyalty and suitability; and

WHEREAS, the American Bar Association believes that there is not at present adequate comprehensive legislation in this field;

NOW THEREFORE BE IT RESOLVED that the American Bar Association recommend to the Congress the enactment of comprehensive legislation covering Federal Civilian Employee Loyalty and Security Discharge Procedures and procedures to apply to application cases under which employment is refused on loyalty or security grounds. Such legislation shall establish specific standards and criteria defining sensitive and nonsensitive government positions and prescribe

adequate administrative procedural safeguards for the hearing and review of such cases, including a broad, but not unlimited right, of confrontation.\*

2. RESOLVED that the American Bar Association authorize the chairmen of the said special committees jointly to appear before the committees of the Congress to state the position of the Association in conformity with the foregoing Resolution.



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\*The committees recommend to the Congress that in the preparation and enactment of the legislation, serious consideration be given to the report of the Commission on Government Security of June 21, 1957.

Comment

The committees have noted the various bills for passport legislation pending in the Congress. None of such bills conforms fully to the foregoing Resolution on passport legislation.

It is the consensus of the committees that the Wiley Bill S. 2315 most nearly meets the provisions of the Resolution on passport legislation and your committees recommend that said bill be amended to conform thereto.

Respectfully submitted,

Special Committee on  
Individual Rights as Affected  
by National Security

George S. Geffs, Chairman  
Frederick A. Ballard  
William J. Fuchs  
Joseph G. Hodges  
Thomas McE. Johnston

Special Committee on  
Communist Tactics, Strategy  
and Objectives

Henry J. TePaske, Chairman  
Peter Campbell Brown, Vice  
Chairman  
Julius Applebaum  
James S. Cremins  
Ray Murphy  
Louis B. Nichols  
C. Brewster Rhoads  
Kendrick Smith  
Jackson A. Wright  
Louis C. Wyman

UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont  
FROM : Mr. J. P. Blaikie  
SUBJECT: PASSPORT LEGISLATION  
REPORT OF COMMITTEES OF  
AMERICAN BAR ASSOCIATION

DATE: November 13, 1959

Memorandum 11-10-59 from Mr. Tamm to Mr. Tolson furnishing copy of the joint report of two committees of the American Bar Association (the Special Committee on Individual Rights as Affected by National Security and the Special Committee on Communist Tactics, Strategy and Objectives). A copy of this joint report is attached. The report, in part, makes recommendations as to passport procedures.

### Provisions of Report:

*Revised*  
The report recommends the adoption of a resolution recommending to Congress the enactment of legislation containing the following principles:

1) Authorization to the Secretary of State to refuse to issue (or to revoke) a passport to any person who knowingly engages in activities calculated to further the international communist movement and having a tendency to endanger the national security or tending seriously to impair the conduct of the foreign relations of the United States.

2) The applicant should be informed in writing of the reason, as specifically as is consistent with considerations of national security and the conduct of foreign relations, and shall be informed in writing of his right to a hearing before a passport hearing board.

3) A passport hearing board should be established within the State Department to review the action of the Secretary of State. Such board to act independently.

Enclosures

1 = Mr. Belmont  
 1 = Mr. De Bosch  
 1 = Gardiner (Mr. Dally)  
 1 = Mrs. Eland  
 1 = Mrs. Lovell

**NOT RECORDED**  
**29 JAN 19 1969**

52 JAN 26 1960

ORIGINAL FILE

Memorandum for Mr. Belmont  
RE: PASSPORT LEGISLATION  
REPORT OF COMMITTEES OF  
AMERICAN BAR ASSOCIATION

4) In proceedings before the passport hearing board, the individual shall have the following rights: To appear in person and be represented by counsel; to testify, present witnesses and offer evidence; to cross-examine witnesses against him and to examine all other evidence made a part of the open record; to examine a copy of the transcript of the open record and, upon request, be furnished a copy thereof.

5) The individual to have the right to confront and cross-examine all witnesses and to examine all documentary evidence except where the Secretary of State or acting Secretary of State personally certifies that information, sources of information or investigative methods are believed by him to be reliable and cannot be disclosed without serious damage to national security and the conduct of foreign relations. The Secretary is to furnish the individual a fair written resume of such information certified to be as complete as consistent with national security or the conduct of foreign relations.

6) The board is to take into consideration the individual's inability to challenge information or attack credibility of sources not disclosed to him.

7) The District Court for the District of Columbia shall have reviewing power to determine whether the decision is based on substantial evidence and whether procedural requirements have been met.

Comment:

It will be recalled that the two committees joining in this report previously submitted separate proposed recommendations expressing different philosophies in approach to the passport problem. The two committees were requested by the American Bar Association to attempt to reach a meeting of minds and this joint report is

Memorandum for Mr. Belmont  
RE: PASSPORT LEGISLATION  
REPORT OF COMMITTEES OF  
AMERICAN BAR ASSOCIATION

apparently the result of this endeavor. The earlier proposed recommendations were considered in my memorandum of 8-12-59 to you. Briefly, the report of the Special Committee on Individual Rights as Affected by National Security (Ballard Committee) proceeded from the philosophy that any legislation on the right of a citizen to travel was distasteful and must be restricted to cases of absolute necessity. The recommendation of the Special Committee on Communist Tactics, Strategy and Objectives (Brown Committee) proceeded from the philosophy that travel is a privilege rather than a right and, therefore, must yield in appropriate circumstances to the pre-eminent necessity of preserving national security. This joint report of the two committees omits many of the objectionable provisions in the Ballard Committee recommendations such as absolute prohibition of the use of information from "casual" informants unless their identities are disclosed and prohibition of denial of passports based on membership in subversive organizations. The philosophy of this joint report seems to follow more nearly the philosophy of the Brown Committee recommendations.

With respect to the provisions of the joint report itself, it is to be noted that the report consists of recommendations for the embodiment of certain principles in passport legislation rather than prescribing the exact form such legislation should take. Various bills for the purpose of re-establishing in the Secretary of State authority to deny passports to subversives have received consideration in the past. The principles embodied in this joint report differ only in terminology from many of the provisions incorporated into various bills previously proposed. If these principles are embodied into specific legislation, they would not seem to require us to reveal the identity of either regularly established confidential informants or "casual" sources. We would have to furnish to the Secretary of State sufficient information to enable him to make the certification called for in number 5 above as to his belief that nondisclosed information, sources of information or investigative methods are reliable. With respect to the fair written resume of such nondisclosed information which the Secretary of State would be required to furnish to the individual, we would, of necessity, have to review such a resume to be certain that the information included

Memorandum for Mr. Belmont  
RE: PASSPORT LEGISLATION  
REPORT OF COMMITTEES OF  
AMERICAN BAR ASSOCIATION

therein did not pinpoint our sources of information. These points have previously been pointed out to the Department by memorandum to the Legal Counsel dated 4-3-59 and by memorandum dated 4-7-59 the Legal Counsel was further advised that the Bureau would continue to adhere to its established policy of protecting confidences while continuing to furnish all information developed from whatever sources to hearing boards. In consideration of any future proposed legislation on this passport question, whether such legislation embodies the principles set forth in the American Bar Association's joint resolution or not, it is believed that we should continue to maintain that stated position.

ACTION:

*Agree*

Submitted for information. We will continue to follow developments in the field of proposed passport legislation.

*JW*

*JT*

*GW*

*V.*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: 11/3/59

FROM : Q. TAMM

SUBJECT: JOHN D. RANDALL

PRESIDENT, AMERICAN BAR ASSOCIATION (ABA)  
 NATIONAL ACADEMY GRADUATION  
 PRESENTATION OF ABA MEMBERSHIP CERTIFICATE TO  
 DIRECTOR

Tolson  
 Belmont  
 DeLoach  
 McGuire  
 Mohr  
 Parsons  
 Rosen  
 Tamm  
 Trotter  
 W.C. Sullivan  
 Tele. Room  
 Holloman  
 Gandy

The Director has approved the presentation by Mr. Randall of a membership certificate in the American Bar Association to the Director at the Graduation Exercises.

It is recommended that this presentation be made immediately after the Director introduces Mr. Randall and prior to Mr. Randall's formal speech. If this is agreeable, necessary arrangements will be made for this.

Done & signed  
 for Mr. Randall  
 by letter dated  
 11-4-59  
 Q.T.

Consult Mr. Randall &  
 if satisfactory to him  
 is Q. K.

QT:hd  
 4

1 - Mr. DeLoach  
 1 - Telephone Room

REC-1  
 EX 109

94-1-369-1230  
 23, DEC 14 1959

Memorandum to  
 Q.T. dated 11/3/59  
 H.R./H.D.

8 DEC 18 1959

CASE REC.

UNRECORDED COPY FILED IN 94-52865-10

## Office Memorandum • UNITED GOVERNMENT

TO : Mr. Parsons

FROM : H. L. Edwards

SUBJECT:

INVITATION FROM AMERICAN BAR ASSOCIATION (ABA)  
 PRESIDENT JOHN D. RANDALL FOR DIRECTOR TO SPEAK  
 AT ABA REGIONAL MEETING, PORTLAND, OREGON,  
 MAY 23, 1960

*RE: American Bar Association*

DATE: December 15, 1959

Tolson  
 Belmont  
 DeLoach  
 McGuire  
 Mohr  
 Parsons  
 Rosen  
 Tamm  
 Trotter  
 W.C. Sullivan  
 Tele. Room  
 Holloman  
 Gandy

While at Quantico for firearms this afternoon, ABA President John D. Randall telephoned from ABA headquarters in Chicago. I returned his call at 4:00 p.m. He stated he was interested in extending an invitation to the Director to be a guest speaker at the next regional meeting of the ABA scheduled for Portland, Oregon, 5-23-60.

By way of background, the ABA, in addition to one annual meeting a year, schedules 2 regional meetings annually. The reason for this is that no place is big enough to accommodate the thousands of members of the ABA at the annual meeting, and, consequently, the regional meetings are designed to afford opportunities for all ABA members in those areas of the country to participate. For example, at the second regional meeting of 1959, held in Memphis, Tennessee, in November approximately 1200 ABA members were registered.

Randall stated that he did not want to "hit the Director cold" with a formal letter of invitation because he felt that so many times these fail to convey the sincere desire that exists in getting him to speak. He also said he didn't want to phone the Director on such an important matter because it might not give the Director opportunity to check his commitments and think the matter over. Consequently, he said he was taking the liberty of contacting me to see if I could give any advice as to the best way to proceed.

I told Mr. Randall I thoroughly appreciated his problem and his sincere interest in having the Director speak. However, I told him I could not say what the Director's commitments were and my suggestion would be that he send a letter to the Director extending the invitation and outlining the particulars. I told him I was certain the Director would do this for Randall if he would do it for anyone and that I thought it would be largely a matter of the Director's heavy schedule of commitments. Mr. Randall said that he would promptly get off a letter to the Director.

58 JAN 1 1960

HLE:mbk  
(3)

EX-135

REC-67

94-1-369-1231  
10 DEC 17 1959

W/M GRIMES REC

Memorandum to Mr. Parsons

Re: Invitation from ABA President John D. Randall  
for Director to Speak at ABA Regional Meeting  
Portland, Oregon, May 23, 1960

Mr. Randall also said he is separately sending to the Director, Mr. Tolson, and to me invitations to attend the Congressional Buffet Supper on January 19, 1960, which the President of the ABA holds annually for the lawyer members of Congress. He said these letters of invitation would invite us to be members of the Host Committee. Randall stated that he did not know whether the Director's schedule would permit him to accept but he hoped that at least I would be able to accept the invitation because he felt it would be a nice thing just to meet with the lawyer members of Congress and this would be an opportunity for getting to know this group a little better.

I thanked Mr. Randall for his thoughtfulness and told him that I was sure the Director would also give this matter careful consideration on receipt of the invitation, as would Mr. Tolson.

RECOMMENDATIONS:

1. That upon receipt of the formal invitation from Mr. Randall for the Director to speak, it is suggested the Director indicate whether he would consider accepting the same in the event his schedule of existing commitments permits.

*I don't think I  
can do this.*

*X*

2. Similarly, upon receipt of the letters of invitation to the Director and Mr. Tolson to attend the ABA President's Congressional Buffet Supper on January 19, 1960, that the Director and Mr. Tolson indicate whether they are desirous of accepting same.

*We will  
accept*

*X*

3. That the Director indicate whether Edwards should plan to accept Mr. Randall's invitation to attend the Congressional Buffet Supper.

*Yell  
12/15 I suggest  
desinations*

*yes.  
X*

*12/16 ✓*

94-1-369- October 27, 1959

MAIL ROOM TELETYPE UNIT  
DOLAN  
HOLLOWAY  
TELETYPE  
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ROSEN  
PRESOON  
LAW  
MCGOWAN  
DeLoach  
Bellmon  
Trotter  
W.C. SULLIVAN  
Tele. Room  
Holloway  
Gandy

Honorable John D. Randall  
President  
American Bar Association  
10 First Avenue East  
Cedar Rapids, Iowa

My dear Mr. Randall:

I was indeed pleased to receive your letters of October 19 and 21, 1959, inviting me to become a member of the American Bar Association. Your kindness is indeed appreciated, and I am glad to have this opportunity to affiliate with your organization. The application for membership is attached, and also enclosed is my personal check to cover the membership fee.

We are looking forward to having you with us in a few days, and I will be happy to receive the certificate of membership from you at that time.

With kind personal regards,

Sincerely yours,

L. EDGAR HOLLOWAY

Enclosures (2)

1 - Miss Gandy, - Enclosures (2)

Tolson  
Belmont  
DeLoach  
McGuire  
Mohr  
Persons  
Rosen  
Tamm  
Trotter  
W.C. Sullivan  
Tele. Room  
Holloway  
Gandy

NOTE: Mr. Randall's address in Cedar Rapids, Iowa, is being used inasmuch as the October 21 letter from the American Bar Center in Chicago was obviously prepared by another individual in Mr. Randall's absence.

Letter sent & delivered  
for her stated instructions  
10/29/59  
L.E.H.

BDA:kfy

(4)

67 DEC 21  
mail room

Teletype Unit

RECEIVED OCT 27 1959 FBI CEDAR RAPIDS  
FBI CEDAR RAPIDS  
TIME 3:40 PM  
DATE 10-27-59  
BY CED

94-1-369- 10/27/59 FBI CEDAR RAPIDS

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
JOHN D RANDALL  
AMERICAN BAR CENTER  
CHICAGO 37 ILLINOIS  
HYDE PARK 11-1533

October 21, 1959

Mr. Tolson	✓
Mr. Belmont	
Mr. DeLoach	
Mr. McGuire	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C. Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

J Edgar Hoover, Esquire, Director  
Federal Bureau of Investigation  
Department of Justice  
Washington, D. C.

My dear Mr. Hoover:

I am looking forward to being with you on Wednesday, November 4th, and I would like to participate in a ceremony which would be most pleasing to me and a matter of great personal pride and gratification. I have reference to the presentation to you of your Certificate of Membership in the American Bar Association.

In order that this may be accomplished, I am enclosing an application for membership in the American Bar Association, and sincerely hope that I shall have the honor of sponsoring you for membership.

With kindest personal regards and best wishes, I am

Cordially yours,

*John D. Randall*  
John D. Randall

JDR:OD  
Enc.

ENCLOSURE

ENCLOSURE

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ORIGINAL FILE # 94-1369-1

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
JOHN D RANDALL  
10 FEDERAL BUILDING  
CEDAR RAPIDS, IOWA  
I.M. RE #2155

October 19, 1959

Mr. Belmont  
Mr. DeLoach  
Mr. Mohr  
Mr. Parsons  
Mr. Quinn  
Mr. Tamm  
Mr. Tracy  
Mr. Sullivan  
Tom Horn  
John Moran  
John Hardy

Honorable J. Edgar Hoover, Director  
Federal Bureau of Investigation  
Washington, D.C.

My dear Mr. Hoover:

Since accepting your kind invitation of October 8, 1959, I have discovered that heretofore the American Bar Association has been guilty of shameful neglect. Apparently no one has invited you to become a member of the American Bar Association. I am, therefore, remedying this oversight.

I enclose herewith an application for membership in the American Bar Association, and would be highly honored if you would complete it at once so that I could sponsor you. I would be further honored if I could present you with a certificate at the time that I was in Washington to address the F.B.I. graduating class.

If you will please return the enclosed application completed by return mail I will sincerely appreciate it.

With kindest personal regards and best wishes, I am

Very truly yours,

*John D Randall*

JOHN D. RANDALL  
President

JDR/ck  
Enc.

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BDA

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10-27-59  
JDR

104 ENCLOSURE  
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149 DEC 16 1959  
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12 DEC 18 1959

ORIGINAL FILE NO. 94-5246-19

December 9, 1959

Honorable Styles Bridges  
United States Senator  
18 School Street  
Concord, New Hampshire

Dear Styles:

It was good to talk with you this afternoon.  
We have, of course, missed you since Congress adjourned and  
look forward to your return in January, 1960.

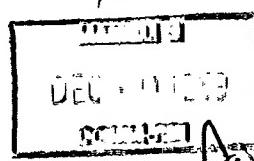
Since talking to you, I have carefully checked my  
schedule in an attempt to ascertain if something could be worked  
out in order to permit my presence in New Hampshire in June, 1960.  
It would be a great pleasure for me to accept the kind invitation  
extended by your friends in the New Hampshire Bar Association.  
Unfortunately, I find that prior commitments of long standing  
will not permit me this privilege. As I mentioned telephonically,  
I find it most difficult to leave Washington while Congress is in  
session. Actually, my schedule has been so increasingly  
burdensome for the past several years that I have found it  
necessary to limit speaking engagements to approximately two  
occasions each year.

My previous trips to the New England area  
represented intervals of good relaxation and an opportunity to  
see old friends. I have had the pleasure of speaking in  
Massachusetts within recent years. However, this was in  
connection with honoring Cardinal Cushing, a very dear friend,  
and did not actually represent an official speaking engagement.

1 - Director's Office  
1 - M. A. Jones

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
DeLoach \_\_\_\_\_  
McGuire \_\_\_\_\_  
Mohr \_\_\_\_\_  
Porter \_\_\_\_\_  
Reeves \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
J. C. St. John \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

CLERK'S OFFICE  
(5)



67 DEC 11 1959

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128 DEC 10 1959

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94-4-2876-197

Honorable Styles Bridges

I do hope that your friends in the New Hampshire Bar Association will understand my inability to be with you. Nothing would give me more satisfaction than to have the opportunity of being with you and your friends in your home state, particularly in view of your personal interest and our long friendship.

With best wishes and kind regards,

Sincerely,

EDGAR